

29
CULC - H02777-17-P035419

17

CONTENTS

NUMBER 1—FEBRUARY, 1931

National Sovereignty Versus the Rule of Law, <i>Walter Sandelius</i>	1
Permanent Delegations to the League of Nations, <i>Pitman B. Potter</i>	21
Nomenclature in Political Science, I, <i>Charles H. Titus</i>	45
American Government and Politics	
Government by Special Consent, <i>William Beard</i>	61
The Publicity Division of the Democratic Party, 1929-30, <i>Thomas S. Barclay</i>	68
Constitutional Law in 1929-30, <i>Robert E. Cushman</i>	73
Legislative Notes and Reviews, <i>Clyde L. King</i> (ed.)	
State Legislation on Public Utilities in 1930, <i>Orren C. Hormell</i>	103
The Passing of Alien Suffrage, <i>Leon E. Aylsworth</i>	114
The Make-up of a State Legislature, <i>J. Catron Jones</i>	116
Notes on Administration, <i>Leonard D. White</i> (ed.)	
The Present Status of the Study of Public Administration in the United States, <i>John M. Gaus</i>	120
Notes on Rural Local Government, <i>Thomas H. Reed</i> (ed.)	
The Crisis in County Government in Michigan, <i>Arthur W. Bromage</i>	135
Foreign Governments and Politics	
The Treaty-Making Power in Fascist Italy, <i>H. Arthur Steiner</i>	146
Norway Moves Toward the Right, <i>Ben A. Arnesen</i>	152
and Notes, Personal and Miscellaneous, <i>Manag. Editor</i>	158
The First Northern Political Science and Public Law Congress, <i>Eric C. Bellquist</i>	168
Twenty-sixth Annual Meeting of the American Political Science Association, <i>Clyde L. King</i>	170
Reviews and Notices, <i>A. C. Hanford</i> (ed.).....	182
Publications of Political Interest	
Books and Periodicals, <i>C. M. Kneier and C. S. Hyneman</i>	240
Government Publications, <i>Miles O. Price</i>	273

NUMBER 2—MAY, 1931

Imperial Control of External Relations in the British Dominions, <i>Gordon Dewey</i>	285
Measurement of Public Opinion, <i>Harold D. Lasswell</i>	211
American Government and Politics	
Constitutional Development through Amendment, 1930, <i>W. Leon Hall</i>	327
Argument for Revision of the California Constitution, <i>Charles Aikin</i>	337
Effect of the Literacy Test for Voters in New York, <i>Finla G. Jorå</i>	342

P 35419

Legislative Notes and Reviews

Governors' Messages, 1931, *Harvey Walker*.....

Legislative Pardon for Impeachment in Texas, *Frank M. Stewart*.....

Judicial Organization and Procedure, *Walter F. Dodd* (ed.)

The Course of Judicial Review in the State of Ohio, *F. B. Aumcn*.....

Foreign Governments and Politics

Nature and Aims of the National Socialist German Labor Party, *Kate Pinsdorf*

The Personnel of French Cabinets, 1871-1930, *John G. Heinberg*

Ceylon's Government, Old and New, *John A. Fairlie*

Some Bibliographical Aids to the Use of British Government Publications, *Everett S. Brown*.....

International Affairs

Some Problems of Article XXIV of the Covenant, *S. H. Bailey*.....

Federal Governments and International Labor Agreements, *Herold W. Stoke*

News and Notes, Personal and Miscellaneous, *Managing Editor*.....

Progress Report of the Committee on Policy, *Thomas H. Reed*.....

Political Geography as a Political Science Field, *Harold H. Sprout*...

Book Reviews and Notices, *A. C. Hanford* (ed.).....

Recent Publications of Political Interest

Books and Periodicals, *C. M. Kneier* and *C. S. Hyneman*.....

Government Publications, *Miles O. Price*.....

NUMBER 3—AUGUST, 1931

Technology and Political Boundaries, *William Beard*.....

✓ The Doctrine of the Sovereignty of the Constitution, *Lewis Rockow*.....

The Japanese Privy Council, I, *Kenneth Colegrove*.....

A Nomenclature in Political Science, II, *Charles H. Titus*.....

Legislative Notes and Reviews

Recent Trends in Federal Aid to the States, *Austin F. Macdonald*

Congressional Redistricting in Missouri, *Lloyd M. Short*.....

State Constitutional Law in 1930-31, *Oliver P. Field*.....

Notes on Municipal Affairs, *Thomas H. Reed*.....

Foreign Governments and Politics

✓ The Position of the British Parliament, *James K. Pollock*.....

Chambres de Commerce in France, *E. Pendleton Herring*.....

Reorganization of the Governmental Structure of Roumania, *Josep Rousek*

International Affairs

National and International Control of Foreign Investments, *Walter I*

✓ *Lavss*

The Concept of "International Government," *Pitman B. Potter*....

News and Notes, Personal and Miscellaneous, *Managing Editor*.....

Present Status of Legislation Requiring the Teaching of the Constitution in Colleges and Universities, *Valdemar O. Key, Jr.*.....

Book Reviews and Notices, <i>A. C. Hanford</i> (ed.).....	733
Doctoral Dissertations in Political Science, <i>Earl W. Crecraft</i>	798
Recent Publications of Political Interest	
Books and Periodicals, <i>C. M. Kneier</i> and <i>C. S. Hyneman</i>	812
Government Publications, <i>Miles O. Price</i>	849

NUMBER 4—NOVEMBER, 1931

Parliamentary Control of Foreign Policy in Great Britain, <i>Eugene P. Chase</i>	861
The Japanese Privy Council, II, <i>Kenneth Colegrove</i>	881
The Political Outlook in the United States: a Symposium	
The Prospects for a New Political Alignment, <i>Paul H. Douglas</i>	906
Trench Warfare, <i>Arthur N. Holcombe</i>	914
Looking Toward 1932, <i>William Starr Myers</i>	925
American Government and Politics	
Third Session of the Seventy-first Congress, <i>Arthur W. Macmahon</i>	932
The Time of the Meetings of Congress, <i>Everett S. Brown</i>	955
Methods of Apportionment in Congress, <i>Edward V. Huntington</i>	961
Mr. Justice Brandeis: Exponent of Social Intelligence, <i>Alpheus T. Mason</i>	965
Judicial Organization and Procedure, <i>Walter F. Dodd</i> (ed.).....	
Felony Trials Without a Jury, <i>J. A. C. Grant</i>	980
Rural Local Government, <i>Thomas H. Reed</i> (ed.)	
State Centralization in North Carolina, <i>Paul W. Wager</i>	996
State Supervision of Local Fiscal Officers in Virginia, <i>James E. Pate</i> ..	1004
County Managerial Tendencies in Missouri, <i>William R. Bradshaw</i>	1008
County Managership Proposed in Texas, <i>Wallace C. Murphy</i>	1013
Foreign Governments and Politics	
Constitutional Developments in China, <i>John A. Fairlie</i>	1016
The Sovereignty of the Native Indian States, <i>Vernon A. O'Rourke</i>	1022
International Affairs	
The Administration of Japan's Pacific Mandate, <i>Harlow J. Heneman</i> ..	1029
The Feetham Report: A New Plan for Shanghai, <i>William C. Johnstone, Jr.</i>	1044
News and Notes, Personal and Miscellaneous, <i>Managing Editor</i>	1051
Progress Report of the Committee on Policy, <i>Thomas H. Reed</i>	1060
Book Reviews and Notices, <i>A. C. Hanford</i> (ed.).....	1064
Recent Publications of Political Interest	
Books and Periodicals, <i>C. M. Kneier</i> and <i>C. S. Hyneman</i>	1122
Government Publications, <i>Miles O. Price</i>	1155
Index to Volume XXV.....	1161

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

Edward S. Corwin, Princeton University

First Vice-President

C. A. Dykstra, Cincinnati, Ohio

Second Vice-President

Belle Sherwin, Cleveland, Ohio

Third Vice-President

J. Ralston Hayden, University of Michigan

Secretary and Treasurer

Clyde L. King, University of Pennsylvania

EXECUTIVE COUNCIL

President, Vice-Presidents, and Secretary-Treasurer, ex-officio

Kenneth Colegrove, Northwestern University
Earl W. Crecraft, University of Akron
Charles E. Martin, University of Washington
William E. Mosher, Syracuse University
Frank M. Russell, University of California
William S. Carpenter, Princeton University
Frederic H. Guild, University of Kansas
Charles E. Hill, George Washington University
Raymond Moley, Columbia University
Lent D. Upson, Detroit Bureau of Governmental Research
Ben A. Arneson, Ohio Wesleyan University
Raymond L. Buell, New York City
Harold D. Lasswell, University of Chicago
Edward M. Sait, Pomona College
Edward J. Woodhouse, University of North Carolina

FORMER PRESIDENTS

Frank J. Goodnow
Albert Shaw
Frederick N. Judson*
James Bryce*
A. Lawrence Lowell
Woodrow Wilson*
Simeon E. Baldwin*
Albert Bushnell Hart
W. W. Willoughby

John Bassett Moore
Ernest Freund
Jesse Macy*
Munroe Smith*
Henry Jones Ford*
Paul S. Reinsch*
Leo S. Rowe
William A. Dunning*
Harry A. Garfield

James W. Garner
Charles E. Merriam
Charles A. Beard
William B. Munro
Jesse S. Reeves
John A. Fairlie
Benjamin F. Shambaugh

*Deceased

The American Political Science Review

Vol. XXV

FEBRUARY, 1931

No. 1

NATIONAL SOVEREIGNTY VERSUS THE RULE OF LAW

WALTER SANDELIUS
University of Kansas

So evident has become the reality of the international community on the one hand, and that of occupational groups on the other, that sociology, which is more concerned with social tendencies than with formal doctrine of any kind, has largely discarded the idea of the sovereign nation-state. But juristic science in considerable measure still clings to it. This is true because the latter is naturally more concerned than sociology with the conservative function of legal formalities. Yet the progressivist influence that sociology has already exerted upon legal concepts is likely to continue; which means that the present sociological insistencies will more nearly correspond with the legal ideas of tomorrow than they do with those of today. Law, in order to maintain its function, must of necessity feed upon the fresh materials of change; to live, it will, in the long run, have to conform to moral and social needs. Morality, which is always at least a step ahead of the law, requires to be followed by the law, for the sake of the life of both, at a distance neither too great nor too short. For the law that follows too closely upon the heels of morality, no less than that which is too far behind, fails to be generally respected and enforced. Legal development is in constant need of being harmonized with all the other strands of history, to the end of the good life. This historic propriety is the ideal not only for the con-

tent of legislation, but also—though here the steps of change are fewer and longer—in the realm of fundamental juristic concepts such as that of national sovereignty.

I. THE QUESTION OF LEGAL SOVEREIGNTY

The idea of "pluralistic sovereignty" (paradoxical expression!) can hardly be of juristic use. Yet it is the school of Duguit and Krabbe, perhaps—despite the name of "pluralism" that has been attached to it—that is showing the way to a real supremacy of law.

According to Krabbe, law is a normative rule arising from the social sense of right and evaluating the various interests of the community. It includes, for example, the so-called "convention" of the English constitution whereby the cabinet resigns upon an adverse vote in the House of Commons. This rule is as unquestioningly obeyed as anything laid down in the form of a command by the king in Parliament, and its content does not differ in kind from the general content of statute. It is not enforceable in the courts, but the same is true of many rules that have the essence of government, true of legislative stipulations such as are made by the American Congress for the conduct of its own business, true of certain parts of the American Constitution, such as the provision that any fugitive from justice who has fled from one state to another "shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime." These rules, Krabbe would say, are as much law as if they could be enforced in the courts.

Is every norm, however, that arises from a social sense of right to be regarded as law? Some of the pluralists prefer not to distinguish clearly between law in the political (or, as we may say with Duguit, "juridical") sense and law in the wider sense of social regularity.

Duguit, however, attempts to mark off the sphere of political law. "An economic or a moral rule," he says (Would it be clearer in English to say simply a "social rule"?), "becomes

a juridical norm when into the mass conscience of the individuals composing a given group there has penetrated the notion that the group itself, or that part of it which is in possession of predominant power, can intervene to suppress the violation of this rule." That is to say, a rule of law exists when "the mass of individuals comprising the group understand and admit that the reaction against the violators of the rule can be socially organized." Duguit admits the vagueness, but insists upon the approximate truth, of this definition.

There are those who see fit to scoff at Duguit. For one thing, he insists that law is simply the will of the "predominant element in a given group," whether it expresses a temporary or a comparatively lasting desire. Accordingly, he is compelled to admit, for example, the legality of "lynch law" in some parts of the United States—because it exists. This, of course, is not consistent with the Aristotelian view, widely approved, that there are lawless communities, and that law is tested by reason.

Secondly, Duguit's description of the sanction behind legal rules as consisting of the social reaction against the violators which is produced by the violation of the law is not greatly enlightening. For this sanction, he says, is more often the force of opinion than it is material force; and here he does not show any difference from the sanctions behind such social rules, often obligatory enough, as cannot be said to be of the juridical kind. But this objection we raise not so much in order to protest as in order to be clear. For the various sanctions that enforce the multitude of multi-colored social, including juridical, norms are difficult, if indeed possible, to describe. And when Duguit speaks more concretely he is sufficiently clear. If his analysis of the nature of law is not always convincing, he nevertheless achieves his principal object. The description of things and properties does not always consist of analyzing their essence—essence being infinitely remote, perhaps, and having myriad appearances—but, sometimes at least, of calling attention to new forms and shades

of things by pointing a finger at others near by and more familiar.

When Duguit turns from political philosophy and as a constitutional lawyer deals with matters of more detail, he is concerned not only with parliaments, presidential powers, administrative departments, electoral provisions, and the like, but also to some extent with the structure of workers' organizations and voluntary associations of various kinds, whether confined within a nation-state or crossing its frontiers.¹ Each of these groups has its own law, which is at the same time in many instances a part of the law whereby the nation-state is organized. Each is to some extent autonomous, to some extent dependent upon a larger community. The whole body, indeed, of juridical rules is an organic growth comprising international, national, and intra-national law. The identity, however, of these rules can be indicated only approximately.

In defense of the "approximate," let it be remembered that no conception of law—not even the current view that it is the command of the sovereign state—can give it an absolutely definite meaning. What, for example, are the exact limits of law in the United States if law be considered as the will of a determinate legal sovereign? The question is tantamount to the query: Who is the sovereign?

In the United States the people are said, in a sense perhaps truly, to be sovereign; but not so in a juristic sense. The people are that ultimate sovereign described by Burke as a "partnership in all science . . . in all art . . . in every virtue and in all perfection (Would he have admitted also "all imperfection"?), a partnership the ends of which cannot be obtained in many generations, a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born." The people support, or at least they tolerate, the arrangements of government that exist. But they are not, according to any logical doctrine, the *legal* sovereign. The courts of this country will

¹ *Law in the Modern State* (translated by F. and H. Laski).

never go behind the federal Constitution, except to make sure that some item in question has been duly made a part of the Constitution; and in ascertaining this fact they inquire, not into the will of the people, nor into the will of the electorate, but into that, simply, of the authority which may legally amend the Constitution. The Supreme Court, indeed, has explicitly refused to admit the legality of a state's ratification of an amendment to the federal Constitution by popular vote.

What, then, is the orthodox conception as to the residence of legal sovereignty in the United States? Sometimes sovereignty is said to be divided between nation and state; but this is a contradiction in terms. More commonly it is said to be the exercise of sovereignty that is so divided. As for the very sovereign, to quote a long sentence from Professor W. W. Willoughby: "In a written constitution or fundamental instrument of government, the original and continuing fountain of all legality, corresponding to the legal autocracy of the absolute monarch, is the particular organ or complex of organs of government; or electorate, or determinate group of individuals acting *ad hoc* as an organ of government, which is recognized to have the legal right to change the terms of the written constitution, which constitution therefore, however it may have been originally adopted, is to be regarded as continuing to have the force of law only because the constitutional organ or complex of organs so wills it."²

This authority may possibly, as a matter of logic, be regarded as the highest and legally unlimited source of law which the American courts will recognize. As for that provision of the amending article which would guarantee the equality of the representation of the states in the Senate, it is possible to agree, consistently enough, either with those (for example, Bryce) who say that it is no more than a moral promise of the sovereign to itself, inasmuch as it could be stricken out of the amending article through the ordinary amending process, or with those who oppose this view, in

² *Fundamental Concepts of Public Law*, 103-104.

which event it must be thought of as an additional complication in the true description of the amending authority itself. The commands of this authority, however, are not always clearly spoken. The American Constitution contains much that is without meaning until supplemented, not only by legislation and by judicial decision, but also by custom. Moreover, part of the Constitution is enforceable in the courts and part of it is not. We cannot say that what is not enforceable in the courts is not law, because we regard the whole constitution as law. Again, it would seem that the rules made by Congress to regulate its own affairs are law. Why not also the rules under which the party caucus is organized? By gradual extension, not only all political, but all social, norms could be included. But this, as will appear, would be going too far.

However, admitting the logic, so far as domestic law is concerned, of the view that there is nothing that the amending authority could not legalize for the purpose of enforcement by the American courts, still is it not true that this authority is nothing but a complex of institutional operation, a process described by law, a statement of the law itself? What is thus called the legal sovereign is rather a principle embedded in the law which serves to secure its own growth. This principle is part and parcel of the Constitution; and the Constitution itself is supreme. Indeed it is possible to argue this point too much in this country, where the idea of the supremacy of the Constitution is not less in the public mind, as well as in the mind of the courts, than is the complicated process which, according to the clearest logic of the monists, is described as the legal sovereign.

In the English system it is usual to think of legal sovereignty as definitely residing in the institution of the king in Parliament. But what in reality is "the king in Parliament"? Not a body of particular men, but men—now these, now others—legally qualified and chosen, meeting and acting in a manner and place prescribed by law. The courts of England would

not enforce as statute a rule that had been formulated by the members of Parliament at some meeting held elsewhere than at Westminster unless the necessary provision had previously been made in a way to accord with recognized legal process. Thus is "the king in Parliament" a set of legal relationships, itself a legal process, just as any social institution is a social process.

It is true that it is easier and more realistic to think of the king in Parliament than of the amending process in the United States as a personalized kind of authority. The former acts the more habitually and is the more tangible institution. Upon it the eyes of the nation are held and responsibility fixed. Yet, not only does the nature of the legal authority of Parliament, if realistically regarded, appear as itself a legal process, but also its legal power is defined in the law that already exists. For it is legal precedent, and this alone, that supplies the proof of parliamentary supremacy, so far as such supremacy is recognized for the purpose of the English courts. "The Septennial Act," says Dicey "is at once the result and the standing proof of such parliamentary sovereignty."³ This act, together with others of its kind, demonstrates that, in general, English courts will regard as law anything that Parliament may command. Thus does the law logically, if not altogether historically,⁴ derive from parliamentary sovereignty, while parliamentary sovereignty likewise derives from the law. Does it logically matter to the courts, or to anyone else, which side of the shield, Parliament or the law, be said to be supreme?

But, practically, it matters greatly that the law of England, like the Constitution of the United States, stands in organic connection on the one side with the law of nations, and on the other with the structure of internal groups, the reality of which fact may be indicated somewhat more concretely in the following two sections.

³ *Law of the Constitution* (8th ed.), 46.

⁴ Cf. McIlwain, *The High Court of Parliament*.

II. MEANING OF THE RULE OF LAW APPLIED TO INTERNATIONAL LAW

The main, though by no means the only, objection to the more orthodox conception of law is that those who are assuredly the most consistent of the exponents of this view have been driven to the pragmatically dangerous conclusion that international law is not really law, but rather of the nature of morality. It is clear that if, on the contrary, international law is to be regarded as in the full sense law, and as restricting the state in a way that is sometimes contrary to its own desire, such restriction cannot be thought of as receiving its validity from the will which it defies. Nor is there, in the present at least, or in the near future, anything that can be regarded as a supreme international law-making authority.

The relation of international law, as of law in general, to the state depends upon what the state is conceived to be. The state, in the sense of "nation-state," is secondary to law; for law existed before national sovereignty was thought of,⁵ and will doubtless exist after the latter has passed away. But "the state," in the sense of an evolving community, which, with shifting boundaries, is always co-extensive with political life, is neither anterior nor posterior, neither superior nor inferior, to law. The state, in this sense, and law are like the proverbial hen and the egg.

This point is supported by a statement from the late Sir Paul Vinogradoff, with one phrase of which, however, we venture to disagree: "It is impossible," he says, "to think of law without some political organization to support it; nor is it possible to think of state without law. The first alternative is absurd, because law requires for its existence and application an organization to put it into force. The action of such an organization may be limited to recognizing and supporting rules framed by other agencies, say by priests or by juricons-

⁵ For a good, though brief, account of the history of the idea of national sovereignty, see the Introduction by Sabine and Shepard to Krabbe, *Modern Idea of the State*, pp. xv-xxvii.

sults, or by experts in commerce or in folklore; in other cases the political element will be contributed by agreement between independent states. . . . Although from a wider aspect the function of law may be attributed to all forms of social organization, it cannot exist anywhere without leaning directly or indirectly on some kind of political union acting as a safeguard of social order. In this sense, law requires the state as a condition of its existence.”⁶

This statement well indicates not only the mutual dependence of law and the state, but also the fact, which is difficult to deny, that law today depends greatly for its force upon some kind of organized support; which is not to say that political organization necessarily or mainly implies the use of physical force. One may consult the authority of Elihu Root, or one may ask one’s own conscience, and hear it denied that law is obeyed mostly from fear of punishment. Saying that the law depends upon political organization means only, whatever may be true of primitive societies, that custom is not enough in the complexity of modern life.

In what sense, however, does Vinogradoff speak of “independent states”? Is international law considered to be unlike other positive law in being largely a matter of agreement? Hardly so, for he holds that all human law depends upon agreement, as assuredly it does. The similarity, in this fundamental respect, between the basis of municipal and that of international law receives illustration in a kind of law that clearly resembles both, i.e., that whereby the federal state is organized. Very often federal unions find their historical origin in a largely voluntary agreement between different states, and almost always they somehow find their rational justification in the idea of such an agreement. And the real promise between them consists less of the particular compact which at a given moment may have been entered into than of the gradual growth of interdependence. The same is true of international relations. Modern states are not independent.

⁶ *Introduction to Historical Jurisprudence*, 84-85.

They cannot be thought of as independent in terms of international law, or in terms of actual political life, but only in terms of domestic law when unrealistically considered as unrelated to anything else.

Ought international to be distinguished from municipal law by an element of coercion which exists in the one and not in the other? No, for there is already coercion in the application of international law, though it is much less systematized than in that of municipal law. Add to this the consideration that the main reason for obedience is not force, but an either conscious or unconscious consent.

Does Vinogradoff argue that consent is at present centered in the concept of the nation-state? "The state," he says, "may be defined as a juridically organized nation or a nation organized for action under legal rules"—a definition, incidentally, that gives not the slightest hint as to what juristic terms can explain the British Empire.

There is no evidence, however, that popular interest and popular confidence have come into the monopoly of the nation-state. Rather is it to be seen that the justification of the idea of national sovereignty depends upon the *relative* importance of the *various* unities of social community. And to compare the importance of these is to consider not only the traditions of the last two or three centuries, but also what is necessary if men are to look hopefully ahead. It is error to think that there does not already exist an international community waiting only to grow stronger.

International law exists. It is not necessary that it should be applied by a single predominant authority. That the World Court does not yet function as well as it might, and that the relation between national courts and international law has not yet been well arranged, is of much, yet not of the first, importance. Nor is it a vital matter that international law is not supported by a unified hierarchy of executive authority. To recall, for the purpose of argument by analogy, a matter

¹ *Historical Jurisprudence*, 85.

of history, what shall we say of the government which prepared and carried out the resistance of 1776? And of the Articles of Confederation which prepared the way for the Union? And, indeed, of the Union itself before 1865, when the Civil War in a way settled the previously existing dispute about sovereignty? Abraham Lincoln's statement that the Union is older than the states, though not true as a description of sovereign units according to the now orthodox view of the state, was actually true, not only as a description of public interest as it existed before the establishment of the state constitutions, but also as a description of effective national government. For it is possible to have government—though not of the most effective kind—without a unified system of courts, without a centralized executive agency, and without a central legislature.

That government should be well ordered is, doubtless, always a desideratum; a supreme, central government is of advantage, even if the law allows but limited power. Yet the fact that there is law is the matter of prime importance. In the politics of the world, the League of Nations may not prosper, and the Court of International Justice may not for a long time include all nations; both, however, are parts of the changing and growing machinery of government that is being, and must be, constructed upon the basis of the international law that really exists. At present, for the purpose of peace, it is most feasible that the law itself, rather than any particular international organization, should constitute the object of reverence. And it is not the worse for this point of view that the counsel of immediate feasibility coincides with an idea that is eminently historical.⁸

Thus it has been said in this argument, not that there is no difference whatever between international and municipal law, but that the difference between them is tending to diminish

⁸It is pointed out in Carlyle's *History of Medieval Political Theories* that whatever there was of order in the medieval world was due to the idea of the supremacy of law.

as we arrive at such political conceptions as help and do not hinder the tendency to look upon international law as enjoying full juristic meaning. This tendency is a beneficent one, an indication of that good public disposition which is more important than any question of legal technicality. Yet it is precisely the technical defense of the idea of national sovereignty that has proved most intractable. The lawyer is perhaps naturally and properly a conservative. Political science, however, being a near neighbor to jurisprudence, ought to show less impatience than has sociology.

One may ask whether the rule of law is to be construed from the modern viewpoint to mean that national courts may be expected to enforce international law that clearly conflicts with municipal law. The affirmative view of Kelsen and others of the Austrian school doubtless points toward the realities of the future. But judicial decisions could be quoted to show that to the present time this view has been nowhere greatly favored by the courts.⁹ And for this reason a realistic political philosophy, to a considerable extent, must carry a tone of protest against the current juristic ideas. There are, indeed, cases of prize court and admiralty court jurisdiction in which apparent conflicts between domestic and international law have been decided in favor of the latter.¹⁰ But on the whole it is unusual for any court to enforce a rule of international law if it is clearly contradicted by a command of the nation-state. On the other hand, it is of great importance that the content of international law has already been generally adopted as a part of various systems of municipal law. As long ago as 1804, the Supreme Court of the United States, in the case of the *Charming Betsy*, said that "an act of Congress ought

⁹ The following cases are quoted in W. W. Willoughby, *The Fundamental Concepts of Public Law*, 286: *The Charming Betsy*, 2 Cr. 64; *The Nereid*, 9 Cr. 383 ["Till an act (of Congress) be passed the court is bound by the law of nations, which is a part of the law of the land"]; *The Tottawana*, 21 Wall. 558; *The Queen v. Keyn* (English case) Law Reports, 2 Exchequer Div. 68.2.

¹⁰ See Holland's essay on "International Law and Acts of Parliament," in *Studies in International Law*, p. 176.

never to be construed to violate the law of nations if any other possible construction remains." The courts of other countries have spoken similarly.

But favorably as national authorities speak of international law in general, with an adequate conception of the rule of law they would be more scrupulous when it comes to the specific point, lack of scrupulosity being often—indeed always, if Socrates is right—at bottom a lack of discernment. While a great many cases could be quoted to show that the courts of civilized countries in the main regard it as their duty to enforce the principles of international law, it is not always really sufficiently so. Consider an example from outside our own country. In a recent case¹¹ from which we quote (beginning in the middle of the argument), the Lord Chief Justice of England spoke as follows: "But the expressions used by Lord Mansfield, when dealing with the particular and recognized rule of international law on this subject, that the law of nations forms part of the law of England, ought not to be construed so as to include as part of the law of England opinions of text writers upon a question as to which there is no evidence that Great Britain has ever assented and, *a fortiori*, if they are contrary to the principles of law as declared by her courts." But, may it be said that one of the principles of English law is that which includes the terms of international law? Could the court not logically have held, as English prize courts often have done, that though the particular instance of the will of Parliament involved in this case appeared to be contrary to international law, yet Parliament, having signified its approval of international law as a whole, did not really intend a command which, if enforced, would be contrary thereto? The law is full of apparent conflicts until they are resolved by the courts. Such a decision would not have implied a defiance of the will of Parliament. It would have assumed the identity of the will of Parliament with the rule of law. Thus would the court have recognized the fact of the organic relationship between

¹¹ West Rand Central Gold Mining Company v. King (L. R. 1905, a KB 3 91).

municipal and international law, without having disregarded a legal fiction which in the past has been of good use.

Technical matters require time in which to adapt themselves to a new order. Suppose that upon the case just cited we have not presented the best legalistic view, and that there was really no way for the court to render a decision favorable to international law. Then the responsibility for the conflict of law involved in this case must be put upon "the High Court of Parliament." It is to be presumed that Parliament is unwilling to retract to any degree its endorsement of accepted international law (all civilized nations alleging, though often forgetting, that there is an accepted international law). Then, in view of its own desire, and in conformity to the rule of law, a conscientious parliament would never enact anything which could reasonably be construed as contrary thereto. Indeed, it would recognize that it has no legal right so to enact. For Parliament is in more than one instance in reality bound by law of its own previous enactment. For example, Parliament could not change the terms of the British North America Act without sanction of the representatives of the Canadian people. An English barrister would likely affirm that it could legally do so; but it would be agreed that *actually* Parliament must recognize the British North America Act as law that is binding upon itself until the Canadian public, speaking through the Canadian parliament, desires to have it changed. Such an arrangement, like international law, is enforced by the sum of political sentiment.

The British Commonwealth of Nations affords an excellent example of how political sentiment is slowly but perceptibly changing the juristic concepts of the modern world. Whatever literal-minded British lawyers may say, the Imperial Conference of 1926 seems to support the view that the British Parliament can no longer be usefully regarded as sovereign throughout the whole of the Commonwealth, and the Conference of 1930 probably will be found to have further emphasized this important development. What legal unity there

is in the Commonwealth of Nations is symbolized, not by "the king in Parliament," but by the king alone. "It is more accurate to say the king than the crown," says President Lowell, "for the latter in Great Britain includes all the functions vested therein by acts of Parliament, which are not always the same in the Dominions. Again, it might be misleading in this connection to speak of the king as the sovereign, for the British use that term in two different senses. Popularly, it is used for the wearer of the crown; but among political philosophers it means the ultimate source of authority, and in that sense the sovereignty in Great Britain, although delegated to Parliament, resides in the last resort in the electorate, as from this time forth it will also in the Dominions."¹² The electorate, however, as Dicey explained, is not the *legal* sovereign in Great Britain; nor is it so either in the Dominions separately or in the whole of the Commonwealth. "The only bond of Empire now," says Lowell, "is the king; not the king in council or in Parliament, but the king in person." Yet the king in person is nowhere in the Empire that authority "whose commands the courts will enforce." For the Empire as a whole there is no such single authority. The crown is the symbol of imperial unity, whether it is so as an undivided crown or as a divided crown under a personal union; but that which makes the Empire one in a legal sense is legal history—is the law itself.

The various obscurities, and the essential self-contradictoriness, of the attempts to fit the concept of legal sovereignty to the modern British Empire as a single institution need not be labored. It is our point, rather, that similar to the relationships which compose the legal unity of the British Commonwealth of Nations are those which join its parts and the whole of it to the rest of the world. Anyone who looks at the treaty which was made the basis of the constitution of the Irish Free State observes the impossibility of making a clear distinction

¹² World Peace Foundation Pamphlets, *The British Commonwealth of Nations*, Vol. x, no. 6, pp. 580-581.

between this inter-imperial relationship and the relations of Britain with many a so-called sovereign state. Nor is it important so to distinguish. Rather, it is increasingly important not to distinguish. International and municipal law are inextricably interwoven, not only with each other, but also, as will be further noticed, with a variety of other rules and regulations of an increasingly political kind. Not every rule of social conduct belongs to the political sphere; but the new political unity is far more comprehensive than the old. The rule of law, which today is harmonizing international law with that of the nation-state into a single piece, is beginning to engulf also a still wider relationship—one, however, that is not so wide as to identify what may be called the new state with society itself. Just how far the spreading rule of law will extend, and whether or not it is to be hindered by more or less catastrophic episodes, the future will tell.

III. FUTURE POSSIBILITIES OF THE RULE OF LAW

Modern society is more and more a federation of groups. It is of no avail to oppose the formation of these. Nor will it conduce to the general good to permit them to crystallize into institutions hostile to the state. They are already inseparable from the state, though not in harmony with it. Much of the law that is bone and sinew of business organizations is at the same time, even according to the orthodox conception, law of the state.¹³ It would be of advantage if the courts would generally recognize the increasingly legal nature of the constitutional frame of the trade-union system, and, where the courts cannot do so alone, if law-making bodies would do their share in the harmonization of law, as they have already done to a great extent in the enactment of the law of nations as part of municipal law.¹⁴ Only through the letter and the spirit

¹³ Cf. Léon Duguit, *Law in the Modern State*.

¹⁴ The following is a provision of the new German constitution: "The universally recognized rules of international law are accepted as integral and obligatory parts of the law of the German Reich." Ch. I, sec. 1, art. 4.

of law will it be possible to avoid a disastrous conflict between the state and other political-economic groups. Whether or not one approves of the trend, the fact remains that economic groups are becoming more and more political, while the state is becoming more economic. There are many economic groups, like the United States Chamber of Commerce, whose activities are quite as much political as they are economic. There is many an individual whose membership in Congress is thoroughly harmonized with his participation in some business corporation. Not only avowedly political groups, such as the political parties, but also what are ostensibly economic groups, belong largely and increasingly in the category of political organization. All along the line, though it is a difficult union, political and economic activities tend to merge.

Workers' groups are rapidly becoming closely associated with the state, as a development parallel to that capitalistic organization which is even more closely allied with it. Surely in this respect the political-economic development of the Western culture which dominates the modern world is fundamentally similar in the various American-European countries. Though Russia has never passed through the capitalistic stage of properly Western countries, yet she is already approaching the industrial development of the West, while at the same time the West is moving—one may hope that it will never move violently—into something like the union of political and economic institutions which has so painfully sprung into existence in Russia. Mussolini's act of transforming the Italian workers' organizations into an organic part of the political machine which he controls is evidence in point. Mussolini, perhaps, stands as far from the Bolshevik point of view as anyone in Europe, but he recognizes the inevitability of political-economic federalism, whether controlled mainly from the top or mainly from the base of the structure. The increasing importance of the economic councils in Germany and other central European countries, the approach (though it may hardly come for some years yet), of labor legislation in England, the

gradual realization of socialistic programs in some of the smaller countries of Europe, are all evidence in point. The anti-political attitude of the American Federation of Labor would seem to be transitional, so that, as in the history of the British labor movement, as it grows stronger it will become increasingly identified with political organization. For the opinion is spreading that political democracy apart from economic democracy means little more than a formal right to cast a vote, a vote which is not seldom sold at a low price.

The law of the state is in organic relation also with non-economic groups. But the activities of those which are neither on their face political nor economic are not, in the main, sufficiently political to warrant the inclusion of the detailed rules by which they are organized in the body of political law. No one knows what the future has in store, but at present it would seem ridiculous to include in the category of political law a rule like that which requires all freshmen in the University of Keepstep to wear little green caps. Again, though in the past canon law has had a close connection with the state, it is now quite separate, and it is not tending to become a part of the "new state." Of course, religious and political issues cannot be kept entirely apart. One remembers the sensational Scopes trial in the courts of Tennessee concerning the teaching of evolution in the public schools, in which the issue was mainly religious. But such bits of recent history are not evidence of a general tendency for organized religion to become more and more closely associated with politics. The religious issue in the presidential campaign of 1928 was, of course, by no means negligible; but it does not compare in importance with the religious issues in the European politics of the last century and earlier.

The family, it may be ventured, will remain an institution substantially separate from the state. No one seriously believes that the part of Plato's ideal here concerned is to be attempted by the Bolsheviki or by anyone else. Though women are being emancipated, with the possible, though not likely, re-

sult that the family as an institution will suffer a decline, it is not therefore becoming more intimately a part of the state. On the contrary, in some "advanced" circles the inclination is to favor marriage more as a moral and less as a legal bond than it has been in the past.

Beneficent growth of law, however, depends less upon the itemization of its content than upon the general recognition, by courts, by legislators, by governors and voters, that its extent is wider than is commonly thought; and much depends upon the conscious effort of those nearest concerned to facilitate the harmonization of its elements.

IV. CONCLUSION

The idea of the sovereign nation-state may live on for a hundred years or more, but in a less useful way than before. Such institutions rise and decline gradually. It is still possible to observe fragments of feudalism. We are not upon the verge of cataclysmic change, but yet of change.

The new political order is not, perhaps, one in which the *polis*, in an expanded sense of the word, is synonymous with society, as it practically was in ancient Greece. The distinction between the political and the social norm of today is that the latter includes the former, and more. There are social norms that have no tendency to approach the political sphere. Yet the new state holds far more than the old. The rule of law is a comprehensive institution which, to the extent that courts and legislatures, masters of industry and leaders of labor, are aware of the social trends, will succeed in becoming more and more integrated. It will in time become unified so as to apply physical force more effectively than it now does to that part of it which is international law. Not that the chief attribute of law is physical force. Law is the more effective when there is so near a unanimity of belief in its necessity that force can readily be applied against the relatively rare infraction of the law; but the law of the new state, like that of the old nation-state in its more limited sphere, is achieving recognition

of supremacy, not fundamentally from coercion, but from public confidence.

Whether the rule thus indicated is rightly named "law," is, of course, a matter of words. What can be more in point than the meaning of such words as give to men their common purposes? To agree to give to a rule of conduct the name of law is often to improve its dignity, almost always to enlarge its dominion. To deny it the name is to deny to it power; for law derives its force from "the primitive energy of the word."

PERMANENT DELEGATIONS TO THE LEAGUE OF NATIONS

PITMAN B. POTTER
University of Wisconsin

I. NATURE AND NOMENCLATURE

The student of international organization who visits the League of Nations in its home city of Geneva encounters one phenomenon associated with the organization and activity of the League which seldom receives much, if any, attention in the news of the day or in current discussions of League problems. That is the so-called Permanent Delegation to the League of Nations. As will appear, these institutions are sometimes located elsewhere than in Geneva; but most of them are located there, and it is there that their activities are most easily observable. It is proposed to describe this institution as regards its nature and its proper nomenclature, its history, its organization, its functions, and its actual and potential value for international government.¹

The title inscribed at the head of this paper was adopted,

¹ This study is based upon documentary materials in the League Secretariat, observation of and visits to most of the delegations in Geneva, and conferences with various persons in both the Secretariat and the delegations. It should be said, however, that the absence of a current list of such delegations issued by the Secretariat which could be relied upon by the student, and the absence of any full—or even partial—documentation of the subject by the Secretariat, makes investigation of the problem very difficult; the grounds upon which this attitude of the Secretariat rests will appear later. And no student of such problems will be surprised by the additional statement that the delegations themselves lack complete records and information on their own history. An article by S. H. Bailey in the *Spectator* for January 18, 1930, and unsigned articles in *Servant of India* for February 13, 1930, and the Canadian *Labour Gazette* for January, 1925, were read,* and Ottlik's *Annuaire de la Société des Nations* and the *Annuaire International de Genève*, published by the Centre Permanent d'Informations Internationales, were consulted. There are also brief references to the problem in an article by Corbett in *British Year Book of International Law* (1924-25), p. 122; in Schücking and Wehberg's *Satzung des Völkerbundes*, pp. 116-117; and in Fauchille's *Droit International* (No. 660) and elsewhere.

to speak frankly, because it had become somewhat familiar by usage, official and unofficial, and because, superficially at least, it seems to describe the institution under discussion. A little analysis, however, will reveal both its shortcomings and the difficulty of labelling, in familiar language, the phenomenon in question. Both the nature and the consequent nomenclature of the institution must be studied by reference to the formal legal status given to it by the official agencies creating and maintaining it, and also by reference to its own activities and essential character as observed in operation; the former test will be applied first and the second reverted to later.

The League of Nations consists of certain member states and an extensive and more or less symmetrical system of agencies for expressing and executing the wishes of those member states in regard to the matters which they have declared to lie within the scope of action of their association. These functions of policy-formation and policy-administration are distributed over several types of League organs—conference, court, commission—at the center of which stands the permanent Secretariat, in principle an administrative agency solely, and the representative organs, the Council and the Assembly. The permanent delegations must be considered in relation to this system of representation and execution.²

All of the member states are represented in the Assembly of the League, which meets annually for three or four weeks. Fourteen of them are represented on the Council at any given time, five permanently and nine others for terms of three years each by election of the Assembly; and the Council meets three times a year—formerly four—for several days. Most, if not all, of the member states are represented in some one or more conferences held during the course of each year under League auspices. Finally, among the administrative officials and em-

² The position of the International Labor Office and of the whole International Labor Organization, as well as that of the World Court, in relation to this question, will be discussed later; for purposes of simplification and clarity, the League is considered here apart from these institutions.

ployees in the Secretariat, and upon various League commissions, are to be found nationals of most, if not all, of the member states, and of some non-member states as well. Members of the Secretariat are not, in principle, authorized to act there as representatives of the states of which they happen to be nationals, they having been chosen by the Secretary-General and confirmed by the Council for reasons of personal capacity in the administrative work to be performed. They are "responsible in the execution of their duties to the Secretary-General alone."³ Members of technical League commissions are independent experts who advise the Council rather than nationals who represent their governments.

It was to secure some sort of representation in Geneva between Assembly meetings, and between Council meetings, when the member state was not represented on the Council or a given League conference, or when no such meeting was in session, over and above its nationals in the Secretariat, or to coördinate its representation in various League organs, that the member state or states created the so-called permanent delegations. This representation was needed chiefly for the purpose of keeping the state informed on League business, although this initial purpose by no means exhausts the present functions or potential usefulness of these agencies. The principal element in the institution in question was, and is, the permanent or continuous character of the representation.

The true nature of these agencies may be appreciated further by a process of elimination, by seeing what they are not. Thus, in the main, and though they often perform this function, these agents of member states were not intended as delegates to Assembly, Council, or Conference meetings. In view of this fact, and also because most of these "delegations" are one-man agencies, and have no real authority delegated to them nor any power of representation in a serious sense, the term "delegation" is somewhat of a misnomer when used in describing them. Indeed, the delegation of representative authority

³ Cf. Article 1 of the Staff Regulations, League of Nations Secretariat.

from the appointing states to these agents is their least prevalent characteristic.

Nó, secondly, are these agents appointed to act, speaking strictly, in reference to the League of Nations as such, but rather with reference to the Secretariat and similar administrative branches of the League. In the early days they were said to be "accredited to the Secretariat," and it has been the desire of the Secretariat to avoid being placed in a controversial position, rather than any feeling that this phrase was erroneous, which has led to a change in the formula. Not only are these "delegates" not, in the main, appointed as delegates to representative organs of the League machinery, but they also have few or no functions vis-à-vis the other states members of the League, or the League as a union of states.

Finally, these agents are not, in spite of the term often used—and used at times in documents issued by the Secretariat—necessarily "accredited" to the League, the Secretariat, or to any other public authority. They do not always possess the power to speak authoritatively for the states which have appointed them; nor is the Secretary-General in all cases asked by the appointing state to give credence to its agent as its spokesman—the essence of being accredited—and the agents do not always even formally notify the Secretariat of their appointment. It is conceivable that such an agent might perform his functions for some time without formally or officially establishing relations with the Secretary-General at all.

The more strictly legal aspects of the diplomatic status of these agents do not, perhaps, constitute the most important phase of the institution; but exploration of this side of the question serves to throw additional light upon the whole problem. To begin with, these agents do not seem to belong entirely in the same class with diplomatic agents accredited by one state to another.⁴ No agents are sent to member states by the League or the Secretariat in exchange for these "delegations." There is no formal or authoritative "reception" of these agents

⁴ A contrary opinion is expressed in Schücking and Wehberg, pp. 116-117.

by the Secretariat and, in most cases, nothing remotely resembling it; hence there is no extending or withholding of recognition on the part of the Secretariat, as regards the permanent delegate, his government, or his state. These agents do not present letters of credence, properly speaking, nor do they carry such a document, although most of them carry letters from their states to the Secretary-General giving notice of their appointment. In some cases, no such letter is transmitted and the Secretary-General is merely notified of the appointment, either by the agent himself or by his government. In most cases there is no *agr  ation*, or preliminary understanding, with the Secretariat as to the person whom a member state contemplates appointing to such a post, although this has occurred in a few cases; indeed the Secretariat, in order not to offend, has carefully avoided entering into decisive transactions with either the appointing states or the Swiss government on the whole matter, and it does not appear that the Council or Assembly or any other League organ has dealt with the question authoritatively.

On the other hand, many, and indeed a large majority, of these agents are given diplomatic title, or at least diplomatic rank, usually that of minister, by their own states, in so far as the latter are competent to do this, though the Secretariat maintains the attitude just cited, and simply takes note of and in courtesy employs the title or rank conferred on the agent by his own government. This indicates to some extent the importance attached by the states to their permanent delegates. What is more important still, from a strictly technical viewpoint, in relation to status, is the fact that whether or not the member state confers ministerial rank on its agent now makes little difference; for Switzerland has on her part, in 1922, recognized these agents, according to Article VII, Paragraph 4, of the Covenant,⁵ as having first class diplomatic

⁵ This paragraph reads: "Representatives of the members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities."

status. In a number of cases, moreover, diplomatic agents accredited to Berne or Paris are appointed "delegates" to the League likewise, not to mention here either consular agents in Geneva or elsewhere so employed or League Council members treated as "permanent" delegates for the time being.

In view of all of these facts, the reference of the Swiss government to the "missions" in Geneva, and the reference of the *Journal de Genève* to the "corps diplomatique" in Geneva, may be understood, although it hardly needs to be said that the "delegations" never meet or act as a body, diplomatic or otherwise; indeed, they have very few dealings one with another. At the same time, it will be clear that any attempt to picture the delegations as diplomatic agents proper must encounter great difficulties. This will appear still more clearly when the functions of the delegations are examined.

Enough has been said, perhaps, to indicate the peculiar character of the institution under discussion, and the difficulty of giving it a brief descriptive title. We may pause to note the history of the practice and to study further the organization and functions of the permanent delegation before drawing conclusions.

II. ORIGIN AND HISTORY

The permanent delegations began with that of Poland, established in the first year of the League's life, namely 1920. Already at this time other governments had instructed their diplomatic representatives in Paris or Berne, or their consuls in Geneva, to act as liaison officers for maintaining contact with the League, as various states represented in Washington or Rome instruct their representatives there to keep in touch with the Pan-American Union or the Institute of Agriculture, as the case may be; and this testifies to the normal, and even routine, character of the origin of these delegations. But it was Poland that first set up a permanent delegation in Geneva distinct from established consular and diplomatic agencies.

Not only did the permanent delegations originate earlier than is commonly supposed; they also multiplied more rapidly.

The year 1920 saw the creation of a number of such agencies, until, in March, 1921, the Secretariat compiled its first (unofficial) list of twenty-one.^o By January, 1922, the number reached twenty-five, of which ten were located in Geneva, ten in Paris, four in Berne, and one in Monaco.

No purpose would be served by recounting all the steps by which the list of delegations has grown through the past decade. As will appear later, the total number now has reached forty-three, of which twenty-seven are located in Geneva, six in Paris, eight in Berne (three with branch offices in Geneva), one in Brussels, and one in Berlin. But certain salient features of the development of the delegations in number, identity, and location may be pointed out.

Thus it is obvious that there has appeared a tendency for member states to station their delegations in Geneva rather than, as in the period immediately after the Peace Conference and the first establishment of the League, in Paris or Berne. Such a development needs no explanation.

On the other hand, it is probably true that in 1920 and 1921 a larger number of states—not necessarily member states—maintained delegations than do so today in proportion to the total League membership, unless routine orders to foreign diplomats or consuls in Switzerland to report to their home governments on all political matters of interest within their jurisdiction are considered along with the establishment of permanent delegations in so many words. At least the percentage was higher early in 1921 than it was three years later. This is explained by the fact that certain states which maintained delegations in the early years ceased to do so later. The delegations, it is true, seem to be increasing in importance today, and during the past five years they have increased in numbers; but earlier still there were several delegations which no longer exist.

The simplest instance of this type is that of the state which ceased to exist as an independent unit. This was the case with

^o *Official Journal*, May, 1921, p. 305.

Armenia and the Ukraine, which maintained delegations that were regarded as such by the Secretariat as late as 1922—the Armenian in Geneva and that of the Ukraine in Paris. In one case, that of Brazil, the delegation was closed with the withdrawal of the state from the League. In other instances, however, states still in existence and belonging to the League have apparently concluded to terminate their delegations for relative lack of utility in proportion to the expense involved—perhaps to rely upon a minister or a consul or nationals stationed somewhere in League organizations. Such are the cases of Esthonia, Lithuania, and Luxembourg.

Third, there seems to have appeared more recently a tendency on the part of the appointing states to confer upon their permanent delegates diplomatic (ministerial and even ambassadorial)⁷ rank. Such a movement may have some significance as an indication of the attitude of the appointing states.

It must not be supposed that the termination of established delegations has formed the only type of change in the list as at first constituted. There have been, of course, constant accessions, and accessions have more than balanced losses, in absolute numbers. There have also occurred cases where delegations have been created, then terminated, and later resumed. This seems to have happened in the cases of the Albanian, Czechoslovak, and Rumanian delegations.

A study of the individual delegations might prove valuable if time and space permitted. Such a study cannot be attempted here, but attention may be called to a few individual cases of unusual interest. Thus may be noted the maintenance of an Argentine delegation in spite of the ambiguous position of Argentina with respect to membership in the League. Just what significance, if any, is to be attached to this action, however, seems doubtful. On the other hand, there are such cases as those of Poland, Rumania, Austria, and Hungary, whose delegations were created early, maintained steadily, and may

⁷ Brazil alone seems to have employed this rank. See *Official Journal*, May, 1924, p. 761.

be regarded as among the most vigorous. The same may be said, with slightly different emphasis, for the delegations of China and Japan. In the last case there are further comments to be made later.

Non-member states have maintained delegations in Geneva from the beginning. The cases of Armenia and the Ukraine have been cited already, not to mention Argentina. More important is the case of Germany, which had definitely designated her consul-general to act in this capacity four years prior to her entry into the League, and, perhaps, the cases of Mexico and Turkey, now represented by specially designated observers in Geneva.

Similar action taken in recent years by the United States calls for little or no comment. The extent of the participation by the United States in League activities, growing steadily from 1922 onwards, is well known. From the beginning, the United States consulate in Geneva acted, under instructions from Washington, keeping the government informed on League matters, and even serving as an office of liaison with the Secretariat. This activity called for both an increasing amount of time on the part of first one and later several members of the consulate staff, and for a staff especially selected for the purpose. During 1929 the United States government took into consideration the designation of a special representative for this purpose, along the line of the permanent delegations, and on June 3, 1930, the Department of State announced the appointment of Mr. Prentiss Gilbert, formerly assistant chief of the Western European Division of the Department, as consul in Geneva, with special duties regarding liaison with the League. Prior to this time, work had in fact been carried on by Consul S. Pinkney Tuck and, later, Consul Elbridge Rand; Mr. Gilbert replaces Mr. Rand. New and larger quarters for the American consulate, not to say the American delegation, had recently been obtained in the city—quarters which, incidentally, are located in closer proximity to the Secretariat. The American liaison will remain simpler in structure and less

pretentious in rank and style than those of Japan or China, and perhaps one or two others, but will possess a more definite status than any representation on the part of the major European powers—Great Britain, France, Italy, or Germany. Communications between the League and the United States government will still proceed through the legation at Berne. The step now publicly taken is believed not to indicate any change in the theory of American relations with the League; after all, we have become more and more deeply engaged in League activities even since 1922. It does, however, signify a recognition and proclamation of the increased importance and volume of League activities in which the United States participates. It increases the personnel of the consulate available for League liaison work, and it brings to the consulate a man who has, in the Department itself, had broad experience with the political and diplomatic problems involved in League work.

Such is the history of the permanent delegations. When they first appeared, they caused some surprise. Today a writer who apparently forgets this is led to say that they were contemplated in the Covenant, which seems a slight exaggeration.⁸ But, in any event, they are here, and it behooves us to understand and evaluate them as they exist.

III. ORGANIZATION

The salient features—or some of them—of the organization of the permanent delegations have been mentioned already. It is now proper to sum up the principal facts in this connection and to complete the picture in so far as it has not already been given.

The permanent delegations consist either of special appointees who have no other function than that of representing a state vis-à-vis the League, or of diplomatic or consular agents to whom is assigned this function. Even without special in-

⁸ P. H. Frei, *La Situation Juridique des Représentants des Membres de la Société des Nations*, p. 27.

structions, all foreign diplomatic representatives in Switzerland and consular agents in Geneva would be expected and empowered, in the normal course of routine duty, to keep their home governments—members or non-members—informed on League affairs affecting them, and, indeed, to deal with the League in so far as their instructions permitted them to do so in any given set of circumstances. But in a number of cases the diplomatic or consular agents have been given special duties in this direction.

Where special appointees—rather than established foreign service agents—are delegated the task of maintaining contact with the League, they reside in Geneva; foreign service agents to whom has been assigned this function may reside in Geneva (consuls) or Berne or Paris or elsewhere—even as far away as London, Berlin, or Rome. Where a foreign state is represented by a minister in Berne and at the same time by a consul in Geneva, the latter would normally be subject to some degree of supervision and direction by the former, so that, either without special assignment of League contact functions to the minister or in the presence of such instructions, the consul in Geneva would be empowered and expected to assist the minister in this matter. In one or two cases in the past, members of the Council from certain states, residing, as diplomatic representatives to France, in Paris, have functioned as permanent delegates to the League; but here the “permanent” character of the service is obviously questionable, even if the agent is, in this case, a true delegate for the time being. Moreover, he is clearly not a functionary of the type of the ordinary “permanent delegate.” Most of the delegations today are special delegations and reside in Geneva, even when the states are represented by diplomatic or consular agents in Switzerland also.

The delegations are appointed in all cases by the chief executive or foreign minister of the home state. They are chosen from among nationals of that state ordinarily—there has been one exception to this—and, as has been indicated already, the

Secretariat exercises practically no influence, and certainly no control, in this matter. In one case, a given individual has served for a time as delegate from two countries. No women have been appointed permanent delegates as yet. These delegations exist and act independently of one another. Only the slightest sort of contact exists among them.

The relations of the delegations with the League are conducted mainly with the Secretariat and administrative commissions, although they also have a good deal of contact with the Assembly, the Council, and special conferences. They have much contact, too, with the delegates to League conferences from the home state. They deal—or most of them do—with the International Labor Organization or, more specifically, the International Labor Office, as well as the League; in many cases they are designated or instructed for this function explicitly, and in some cases delegates are designated for the Labor Organization exclusively, alongside of, or without, an accompanying delegate to the Secretariat. In any event, a delegate to the League would, in absence of restrictive instructions, be capable of dealing with the Labor Organization, in view of the fact that the latter organization is, in principle, a part of the League. The delegations have no contact, or almost none, with the Permanent Court of International Justice at The Hague.

The nature of the relations between the delegations, on the one hand, and the Secretary-General, the Director of the Labor Office, and their staffs, on the other, vary widely. Some delegates are hardly known to the Secretary-General or the Director, although this means that they have no very definite position and are not very active. Some have been received—in an informal sense—by the Secretary-General and by the Director. Some are frequently seen in and around Secretariat offices, Council and Assembly meetings, and some not. Some are familiar figures, and even celebrated characters in Geneva, while some are almost unknown.

Finally, the delegations are organized internally in a variety

of ways. Diplomatic or consular establishments functioning in this capacity are organized as are diplomatic and consular establishments generally, except that in some cases one or more diplomatic secretaries or members of the consular staff will be designated to perform this particular service. Special establishments in Geneva vary from the one-man post, with or without a clerk, to the rather elaborate establishment with a minister—if not an ambassador—in charge, a counsellor who occasionally acts as *chargé d'affaires*, several secretaries and clerks, and even attachés for the Labor Office and the press. In general, the simpler type of establishment predominates.

Although not strictly a part of the permanent delegations, certain other features of governmental organization in the League and League member states may be given mention here because of their connection therewith. Thus a number of member states have created, within their governmental departments for foreign affairs, units charged with handling the business of the state with the League.⁹ Such an arrangement exists, albeit without formal designation, in the American Department of State. Where this has been done, the bureau in question has contact with the permanent delegation maintained by the state in Geneva, if any, and the two are regarded by the Secretariat as two phases of one service, namely, contact between the state in question and itself. One curious feature of the situation is seen in the fact that all of the leading European powers, which, as already mentioned, have no permanent delegations, in the strict sense, in Geneva, have such League of Nations bureaus in their departments of foreign affairs. Needless to say, such bureaus are less numerous in member-state capitals than the delegations in Geneva or elsewhere.

It was said that the Secretariat sends out to member states no representatives in exchange for the permanent delegates. This is strictly true, but two types of League or Secretariat organizations approach such action somewhat remotely. These

⁹ See early list in *Official Journal*, May, 1921, p. 306.

are the field offices and correspondents of the Information Section of the Secretariat and of the Labor Office, and the Latin American Liaison Office in the Secretariat. It does not appear that the League liaison officers in various foreign capitals—Paris, London, Rome, Tokio, Berlin, and Washington (Labor Office only)—or the correspondents and liaison officers who are moved about from point to point in Europe, America, and Asia, should be said to enter very deeply into this system of contact and communication with member-state governments, although contacts among them are constantly being made. These League agencies serve chiefly, not for communication with member states, but for rather general collection of information from, and distribution of information to, persons and groups of persons other than member governments. On the other hand, the Latin American Liaison Office in the Secretariat maintains close and constant contact with Latin American delegations—ten or more in number—in Geneva, Berne, or Paris. Taken in their entirety, these agencies constitute a rather elaborate system of intra-League communication.

IV. FUNCTIONS

The function which is most characteristic of the permanent delegation is that of acting as a channel of communication between the appointing government and the Secretariat. This involves receiving from the former messages addressed to the latter and transmitting them thereto, and vice versa. It involves receiving from the Secretariat multitudes of League documents for transmission to the home government, and to a slight extent the reverse; this service is not performed by all of the delegations, although almost all of them receive copies of documents transmitted directly to their governments, just as they also receive copies of communications passing between the two.

Next comes the service of providing information and advice. The delegate keeps the Secretariat informed regarding political and social conditions, the state of opinion, and the actions

of his government back home, and may even proffer his advice on projected League actions of interest to the latter. This he does by instruction, but also on his own initiative or by virtue of his position and his standing instructions relating thereto. He informs and advises his home government, or delegations from the home government temporarily attending international conferences in Geneva or elsewhere, on conditions and actions in the League or other member states of interest to his nation. This may become a mild species of secret intelligence work in Geneva. Or it may take the form of laborious scientific research in the documentary and other materials available there.

The tendering of advice to League authorities easily becomes an effort to promote the national interest, and it may fairly be said that the permanent delegate under general or special instructions attempts by appropriate action at all times to accomplish this normal purpose vis-à-vis League officials, as well as toward the delegates of other states represented in Geneva. This activity is not, on the other hand, carried on by the permanent delegate nearly as vigorously as might be expected, and it is balanced by the service which he also renders of contributing his government's share in the support and promotion of the work of the League.

Next comes the function of the "permanent delegate" in acting—paradoxical as it sounds in view of the misnomer involved in that title—as a temporary delegate to the League Council, Assembly, labor conference or governing body, or other League conferences. He may also, of course, act as delegate to a non-League conference held in Geneva or elsewhere; but this is no part of his rôle as "permanent delegate to the League." The permanent delegates do not most of them serve in this capacity very often, nor any of them all the time, and some of them never do so; but it is a possible and, indeed, an actual function sometimes performed. Perhaps they are most likely so to act when political or other circumstances at home make difficult the selection of a special delegation.

The relations between the permanent delegate and his fellow nationals in Geneva are rather vague, and also rather complex. He has, of course, no legal right of control or protection over them such as is exercisable by the regular diplomatic and consular representatives, although he may succeed in exercising such power by the grace of the Swiss or Genevese authorities; he seldom desires to do anything of the kind. He may and does, of course, assist travellers from his home country in all sorts of ways, such as recommending hotels, giving advice, and perhaps securing tickets to the Assembly meetings. He assists delegates from his home state to League conferences to find quarters, or makes hotel reservations for them, and his office provides them with desk space and stationery or other materials for their use in connection with their duties.

Toward his fellow-nationals in the Secretariat the permanent delegate likewise has no formal relations of control or protection. In principle, they are there as individuals and not as nationals of such and such a state, much less its representatives. But he does, of course, maintain contact with them, exchange opinions and information with them, and keep himself informed as to their status in the service. He may even have had some share in the discussions which preceded their appointment, as he might—acting for his government, of course—have some share in discussions leading to the appointment of others.

Finally, the permanent delegate engages in social activities in Geneva—entertains and is entertained—to some extent, although most of the permanent delegates are not in a position to go very far in this direction.

When this survey is completed it is seen how difficult it is to label the permanent delegation or delegate accurately in a few words, especially when his formal legal status, discussed earlier, is recalled. He is not a diplomatic representative in the strict sense, nor a consular agent. He is not strictly a delegate. He may be stationed, not in Geneva, but elsewhere. He may represent—in some sense—not a member-state but

a non-member state, although it should be said that delegations from non-member states perform only such functions as are appropriate to the circumstances, confine their activity largely to that of observers, and perform the other functions above described (advising and negotiating) only in connection with League activities in which their (non-member) state may be participating or in which it may have an interest. Finally, the permanent delegate deals, in principle, with the League as a whole, including the Labor Organization if not the Permanent Court of International Justice; but he deals chiefly with the Secretariat.

In view of all these facts, it is not surprising to find the non-committal term "liaison" used to describe the nature of the permanent delegation. The connection involved may be semi-diplomatic, administrative, representative, or what not. It may be best to employ the general term and leave definition of the office to extended discussion.

We may now proceed to draw up our list of permanent delegations, so-called, using our own title for that list as just explained.

PERMANENT NATIONAL AGENTS FOR LIAISON WITH THE
LEAGUE OF NATIONS¹⁰

<i>Country</i>	<i>Rank</i>	<i>Style</i>	<i>Place</i>
Albania	Minister	Permanent Delegate of the Kingdom of Albania near the League of Nations	Geneva

¹⁰ No official list being available, and unofficial lists varying as widely as they do, it has been necessary to construct this list anew from all available data. The tables give (1) the names of countries maintaining permanent delegations of one type or another, (2) the rank officially conferred upon or assumed by the permanent delegate in each case, (3) the style formally bestowed upon or assumed by him, or that by which he is commonly known, and (4) the seat of the delegation. "Minister" signifies either envoy extraordinary and minister plenipotentiary or minister resident or other variants. In the style, the term "near" is a translation of "auprès" or "près," as in the familiar English phrase "near the Court of St. James." In connection with the seat of the delegation, the sign * indicates that the country in question also maintains a consulate or other office in Geneva, and the sign ** that such office is expressly designed for liaison with the Secretariat or/and the Labor Office.

<i>Country</i>	<i>Rank</i>	<i>Style</i>	<i>Place</i>
United States of America	Consul	—	Geneva
Argentina	Minister	—	Berne *
Austria	Minister	Representative of Austria to the League of Nations	Geneva
Bolivia	Minister	Permanent Delegate of Bolivia to the League of Nations	Geneva
Bulgaria	Minister	Representative of Bulgaria to the League of Nations	Berne **
Canada	—	Dominion of Canada Advisory Officer, League of Nations	Geneva
Chile	Minister	Permanent Secretariat near the League of Nations	Brussels *
China	Minister	Permanent Office of the Chinese Delegation to the League of Nations	Geneva
Colombia	Minister	Permanent Delegate of Colombia near the League of Nations	Geneva
Cuba	Minister	Permanent Delegate to the League of Nations	Geneva
Czechoslovakia	Minister	Permanent Delegate near the League of Nations	Berne **
Denmark	Counsellor of Legation	Permanent Delegate near the League of Nations	Geneva
Dominican Republic	Minister	—	Paris **
Ethiopia	Minister	Representative near the League of Nations	Paris
Finland	—	Permanent Representative near the League of Nations	Geneva
Germany	Consul-General	—	Geneva
Greece	Chargé d'Affaires	Permanent Greek Delegation	Geneva
Guatemala	Minister	—	Berlin *
Haiti	Minister	Permanent Delegate of the Republic of Haiti near the League of Nations	Paris *
Hungary	Minister	Royal Hungarian Delegation near the League of Nations	Geneva
Irish Free State	—	Representative of the Irish Free State to the League of Nations	Geneva
Italy	—	—(liaison with the International Labor Office)	Berne
Japan	Minister	Imperial Bureau of Japan for the League of Nations	Geneva and Paris

** Non-member states.

<i>Country</i>	<i>Rank</i>	<i>Style</i>	<i>Place</i>
Jugoslavia	Minister	Permanent Delegate of the Kingdom of Jugoslavia near the League of Nations	Geneva
Latvia	Minister	Permanent Delegate near the League of Nations	Geneva
Liberia	Chargé d'Affaires	Permanent Delegate of the Republic of Liberia near the League of Nations	Geneva
Mexico	—	Observer at the League of Nations	Geneva
Netherlands	Minister	—	Berne *
Nicaragua	Minister	Permanent Delegate to the League of Nations	Paris **
Norway	Minister	Permanent Delegate of Norway near the League of Nations	Berne *
Paraguay	Minister	Delegate of Paraguay to the League of Nations	Paris
Persia	Minister	Permanent Delegate of Persia near the League of Nations	Geneva
Peru	—	Chief of the Permanent Office of Peru near the League of Nations	Geneva
Poland	Minister	Permanent Delegate of Poland near the League of Nations	Geneva
Portugal ¹²	Minister	Permanent Delegate near the League of Nations	Geneva
Roumania	Minister	Royal Roumanian Legation near the League of Nations	Geneva
Siam	Minister	Permanent Delegate to the League of Nations	Geneva
South Africa	—	Accredited Representative of South Africa to the League of Nations	Geneva
Sweden	Minister	—	Berne **
Turkey	Minister	—	Berne **
Uruguay	Consul-General	— (liaison with International Labor Office)	Geneva
Venezuela	Minister	— (representative of Venezuela on the Council of the League of Nations)	Paris **

¹² The Portuguese office at Geneva is called a *chancellerie*.

V. VALUE

During the past few years certain rather vigorous differences of opinion have appeared concerning the value of the permanent delegation as an institution. A review of that dis-

cussion will be attempted here and certain judgments added which seem warranted by the facts.

For the appointing state, the permanent delegate has certain obvious values. He may well be, or come to be, an abler representative of the state in League activities or in liaison with the League than any agent sent down temporarily from Berne or Paris; even a permanent delegate, so-called, stationed in Berne may be better than temporary delegates sent to Geneva from Paris or Rome. A relatively inexpensive permanent delegate is much more economical than expensive delegations sent from Buenos Aires or Tokio. For small states not represented on the Council and without many nationals in the Secretariat,¹³ the permanent delegate may be more valuable than for larger powers more generously represented there.¹⁴ The permanent delegate's services of information and advice are valuable to the home government, his social and personal aid to fellow nationals in Geneva is of at least some importance, and having him in Geneva is certainly better than having no delegate at all at this or that conference, as would at times be the case for many distant and not over-wealthy states. He may become very much of an expert at the task and thereby become very valuable indeed.

Any disadvantages which the permanent delegate may have for the individual state seem to arise as part of alleged dis-

¹³ There seems to be confusion of thought in current criticism on this point. One hears the complaint that the argument just stated implies that persons in the Secretariat act as nationals of their own states in providing information and exercising influence, and that this would undermine the international character of the Secretariat civil service. The critics are quite right in the latter respect, it seems. But the fact is that the Secretariat personnel is not today entirely free from nationalistic attitudes; and the permanent delegations seem not to aggravate, but may be the best means of relieving, the situation.

¹⁴ It will have been noted, from the list of delegations existing today, that none of the European great powers maintains a full-fledged delegation in Geneva. On the other hand, most of the delegations are maintained by small powers, and, like the governments which they represent, are not very active in League business. The result is that some eight or ten delegations, from powers such as Canada, China, Poland, and so on, constitute the most active and most prominent element in the list.

advantages which the institution has for the League as such. Of course the use of a permanent delegate may lead the state to be satisfied with less effective representation than it could secure by sending special delegates from home, well selected for the particular conference in view; but the alleged detrimental aspects of the permanent delegate can be seen best from the international viewpoint.

Thus it is argued that the creation of the permanent delegations tends to develop about the League and the Secretariat a professional diplomatic clique and an atmosphere of professional diplomacy which is bad. Intrigue of various sorts is stimulated, it is alleged—intrigue between the permanent delegates and fellow nationals in the Secretariat and among the permanent delegates themselves. Possible efforts of the permanent delegate to obtain jobs in the Secretariat for fellow-nationals is condemned, as are his alleged activities in quest of “inside” information of all sorts. And finally it is argued that even if the permanent delegate avoids all these practices, he must inevitably fall short of the probable serviceableness of delegates chosen for special topics under discussion at any given conference—whether on drug control, finance, law, or education. Even if he were a marvelous jack-of-all trades, he would at least constitute an additional unit in the series through which the League must act and an agency standing between the Secretariat and those governments with which its relations should be as immediate and intimate as possible.

As has already been indicated, the suggestions of intrigue and snooping imputed to the permanent delegates seem unwarranted. They are not, in the main, old style diplomats in attitude or practice. They certainly do not form any united clique in Geneva. And apparently they do surprisingly little wire-pulling. However, the case for the permanent delegate is not entirely perfect. It seems true, for example, that an attempt to use him for all sorts of conferences on all kinds of subjects must be less advantageous than sending special technically-qualified delegates to those meetings. The answer

here seems to be, however, that in many cases special delegates would not be sent, and that the permanent delegate, though not a specialist, is better than no delegate at all, especially if his function is to negotiate in terms of policy while leaving technical studies and policy formation to his government's experts—as, for that matter, any representative of the state on the Council or in the Assembly must do. At the same time, it may be hoped that states will not try to get along with the representation of the permanent delegate at various and sundry League meetings just because such representation is inexpensive, and that they will not use him in this capacity unless they believe that, because of his experience and constant contact in Geneva, he is actually better fitted to act in any given conference than would be delegates sent directly from the home government.

The possibility of allowing the Secretariat to deal directly with governments of member states deserves more analysis. If it is the foreign affairs department that is to be approached, the interposition of the permanent delegate may seem like a sheer addition of extra machinery without gain. But if other departments of national governments are to be approached, the delegate may be a valuable channel, failing which the Secretariat might have to work through the department of foreign affairs. The delegate may be valuable in speeding up these departments and coördinating their activities relating to the League, and, indeed, he may be valuable in speeding up the department of foreign affairs in its action relating to the League. Upon the utility, actual and potential, of the permanent delegate in this connection seems to depend, to a large extent, his future; for this is his peculiar function.

The misgivings of the Swiss government by reason of the development in Geneva of a second diplomatic corps rivaling that in Berne, its alleged displeasure at references to "the minister to Geneva," and similar feelings on the part of the people of Berne, if not of Switzerland generally, need not be discussed here. Where a minister in Berne sets up a branch

office in Geneva, or even moves down there himself, the situation is bound to occasion surprise. But the Swiss government has been most generous in its attitude toward the permanent delegates, doubtless feeling, as any student of the problem must feel, that the uppermost question is that of whether these delegations minister to the successful operation of the League.

On this central issue, beyond what was said above, two contrasting pictures have been painted, and that by the same person, namely, one of the permanent delegates. The delegates are, he said, in a very definite manner, and in a pronounced degree, pro-League. They believe in the League and its work and desire to support and contribute to the success of that work. This is, probably, quite natural, but none the less important. On the other hand, he said, these delegates are able, and find it necessary, to exercise a restraining influence on the Secretariat and League conferences and commissions, in view of opinions and policies back home in member states. They must bring the facts of practical politics to the notice of slightly utopian League organs and officials. Both of these pictures seem quite accurate, the former no less than the latter, although the particular delegate who drew them evidently felt that the restraining influence of the delegates was salutary and their pro-League attitude possibly open to criticism. Taken together, they seem to constitute a rather important endorsement of the work of the permanent delegate. It is understood that the Secretary-General expressed himself, some years ago, as of the opinion that the delegations were very useful to the League; it is understood that he has, more recently, been impressed rather with the services which the delegations render to their home governments.

The situation in any federal union with respect to relations between the central government and the member state is a difficult one. Representation in policy-forming bodies and the presence of individuals from the states in the executive and administrative services is not quite sufficient to satisfy all the needs of those states for contact with the federal government.

A NOMENCLATURE IN POLITICAL SCIENCE*

CHARLES H. TITUS

University of California at Los Angeles

PART I. INTRODUCTION

Confusion reigns almost supreme in the field of political science, particularly when the meaning of terms is involved. Some of our most commonly used words have so many meanings, shades of meaning, and connotations that hearers and readers are frequently at a loss as to the meaning and significance of terms used unless the speaker or writer defines them as he uses them. A cursory examination of the term "state" brought to light no fewer than one hundred forty-five different definitions, even though only a few writers were included who might be classed as radical. Less than half of the definitions were in general agreement. Even this statement is based on the assumption that when the same words were used by two writers they were used to mean the same thing; and I doubt whether the assumption is entirely justifiable. Furthermore, "state" is not the only term in political science which is defined in multifold ways. A similar situation was found when others, especially "law," "government," "political," "administration," were investigated.

The process of communication between political scientists, as well as between these scientists and laymen or between laymen and laymen, comes to be a guessing game. Consciously or unconsciously, it is suggested, we are spending much of our time guessing what the sender means when he uses even technical words.

Take, for example, our own situation. Do you know what I mean by the words and terms which I have been using? Or have you been guessing? Do you know whether you have successfully guessed the meanings I have tried to put into the

* The contents of this article have been copyrighted by the author.

terms used? What assurance have I that you, individually or collectively, have been successful in your guesses? When my colleagues ask me questions concerning the system of symbols outlined below, am I not continually guessing as to the meaning and significance of the words used by them in their questions? Are not most of us attempting to play this guessing game? It seems to me that such is the case, even though we frequently act as if we understood each other perfectly. Have we for so long a period acted on the assumption that we understand, that we have forgotten (on many occasions) the guessing game?

This confusion is looked upon differently by various groups and individuals connected with the field of political science. These may be divided roughly into three classes. In the first place, there are those who are, in general, indifferent concerning this problem. They are, perhaps, too busy. I suppose the Hopi Indian does not care whether there is one definition of "state" or one hundred forty-five. It does not affect his life and actions to any appreciable extent. This position might be called the Hopi position. And yet I would be courteous to this Indian tribe which has so many admirable traits; let us therefore call this position the indifferent one.

The second class consists of persons who enjoy the confusion and profit thereby. The demagogue, disliking responsibility, flourishes under a régime in which terms are defined in various ways. He can use them loosely and with assurance that there is little or no accountability. Propagandists, many reformers, and even some teachers seem to enjoy this situation, as well as a considerable number of politicians and government leaders. They can say one thing and mean something else. Have these and others like them handicapped the development of political science?

The third class includes those who look with considerable apprehension upon this confused situation and this game which involves so much of what might be called "probable error" or "chance." This group would find a way out of the chaos.

Remedies are to be discovered or created. These persons are also interested in any program that will increase the chances of successful guessing, or will promote more accurate thinking on the part of men and women working in the field of political science. This third group would insist on responsibility for what is said or written. They feel that to ignore the problem is not to solve it. They would be understood, and they would understand. This paper is written in the hope that it may be of assistance to men and women who belong to this group of people.

Little progress was made by man, it is suggested, until he became conscious of tools. The club, the knife, the arrow, and the saw, as well as words and measuring devices, aided in the building of civilization. With the development of our culture, these tools and instruments, as well as the technique accompanying, were refined and their use extended. In this march of mankind, nomenclature is a tool which is and has been used.

At one time or another, men in other branches of knowledge have had to face this problem of terminology. Some have perhaps thought that other sciences have always had their systems of symbols and special nomenclature; but such is not the case. Once confusion reigned in their work even as it now reigns in ours. Interesting indeed are the stories of the origin and development of systems of terms and labels in the various fields of knowledge.

The alchemists, biologists, chemists, and mathematicians have seen their symbols and systems develop and expand. The alchemists used symbols extensively. For example, "the astrological signs for the sun, moon, and five planets were used to indicate the seven metals."¹ There were signs for the various substances and pieces of apparatus in common use. "To indicate operations, symbols were extensively employed." Visualize the complications in the biological sciences had not Linnæus or one of his successors put forward such a system

¹ James C. Brown, *The History of Chemistry from Earliest Times* (2nd ed.), 153.

"as a substitute for the clumsy method of naming plants and animals previously used among naturalists."²

Of chemistry, F. J. Moore says: "In 1787 the results of their deliberations [Guyton de Morneau, Lavoisier, Barthollet, and Fourcroy] were published under the title of *Méthode d'une Nomenclature Chimique*. This work did away with many of the fanciful and arbitrary names previously in use, and substituted such as were based on chemical composition. Speaking broadly, it is hardly too much to say that it laid the foundation upon which our modern international nomenclature now stands."³ In addition, Moore says: "He [Berzelius] did much to facilitate all chemical discussion and calculation by inventing our modern alphabetical chemical symbols, which were entirely new with him. . . ."⁴

The symbols + and — in mathematics were not used in the treatment of algebraic expressions until the sixteenth century.⁵ William Oughtred (1574-1660), in 1628, introduced the symbol :: for proportion.⁶ Thomas Harriott (1560-1621), who helped survey and map Virginia while accompanying Sir Walter Raleigh, used for the first time the symbols > and < for "is greater than" and "is less than," respectively.⁷ Leonhard Euler (1707-1783) introduced Σ to signify "summation."⁸

In jurisprudence, attempts have been made to develop a special nomenclature which might be accepted. The late William N. Hohfeld, of the Yale Law School, made a contribution to this movement. "Right," "privilege," "power," and "immunity" were analyzed and related from two standpoints—jural opposites and jural correlatives.⁹

² James C. Brown, *op. cit.*, 310.

³ *A History of Chemistry* (in International Chemistry Series), 52.

⁴ *Ibid.*, 104.

⁵ D. E. Smith, *History of Mathematics*, 330.

⁶ *Ibid.*, 494.

⁷ *Ibid.*, 389.

⁸ Florian Cajori, *A History of Mathematics*, 232.

⁹ Walter W. Cook, "Hohfeld's Contributions to the Science of Law," 28 *Yale Law Journal* 721 (1919). See also 23 *Yale Law Journal* 16 (1913) and 26 *Yale Law Journal* 710 (1917).

Many modern scientists feel justified in using systematized symbols and special nomenclature in order that they may promote accuracy of thought, rapidity of action, and greater clarity of understanding. These systems were not handed down from Mount Sinai complete and perfect; each one was, in the beginning, fragmentary and has been modified. Few, if any, are looked upon, even now, as complete.

These programs are of significant value today. The chemists would not think of abandoning their systems of nomenclature; neither would the mathematicians or the physicists do without their special terms. But the fact that other scientists use special symbols, arbitrarily defined, is in itself no justification for our using them, even though they are of great value in these other fields.

Today, in the social sciences, utility is sometimes looked upon as a major criterion in accepting or rejecting a proposed instrument or method. An important question is: Does the instrument have utility for me in my work? If so, I want it; if not, don't bother me. Let those use it who will find the method or instrument useful. I would not leave the impression that I feel utility to be the only criterion, but I do feel that it is a very important one.

A very brief analysis of this measuring device, utility, will be of help in approaching and evaluating the problem of symbols in political science.

Using a specialized (sp) set of symbols, I want to present a simple and quite crude formula for utility as a measuring device. The formula is:

		Notation
		<i>c</i> clarity
		<i>a</i> accuracy
		<i>v</i> volume or quantity of results obtained
		<i>r</i> relationships
		<i>e</i> energy expended
		<i>t</i> time consumed
		<i>U</i> utility
		<i>Q</i> quotient

$$\frac{c + a + v + r}{e + t} = UQ$$

This is neither a full nor a complete formula, but it is sufficient for our present needs. By applying it to various methods or instruments, one is able to establish in a fairly satisfactory manner the relative utility possessed by the various methods under consideration—the larger the UQ the better, relatively speaking, the method.

As the problems are seen more clearly, or as there is greater accuracy in the work done, or as the quantity of results is increased, or the number of relationships is increased, by using a first method, other factors remaining constant, it is said that the utility of the first method is greater than the utility of the second. On the other hand, if either the amount of energy expended is lessened or the amount of time is decreased, or both, in the use of the first method, other factors remaining constant, the conclusion would be drawn that there is more utility in the former method than in the latter.

Further to illustrate the use and value of this simple formula: if method 1 presents the problem twice as clearly as method 2 and the other factors remain constant, the resultant UQ would be larger in the formula for method 1 than it would be for method 2. The same situation arises if a , v , r , or any combination of c , a , v , and r , appear to be larger in method 1 when compared to method 2. Consider the situation when

$$\text{Method 1} = \frac{1c + 1a + 10v + 6r}{1e + 5t} = UQ, \text{ and when}$$

$$\text{Method 2} = \frac{1c + 1a + 16v + 6r}{1e + 4t} = UQ.$$

By cancelling like units which appear in both formulæ, we find that, speaking generally, method 2 possesses twice the utility possessed by method 1. By inspection, without cancelling, it is readily seen that method 2 has more utility than method 1.

This seeming digression for a consideration of utility is indulged in to the end that we may the better approach the

utilitarian aspects of special nomenclature in political science.

During the last three years, a special system of terms, labels, and symbols has been consciously and deliberately built up in the field of political science which has possessed, and today does possess, utility—particularly when this system is compared to other methods used in the field. Both *t* and *e* have been definitely reduced, on the one hand, and, on the other, *c* and *a* have frequently been increased. The quantity of relationships seen has also been increased in the consideration of some of our problems. Whether or not *v* has been increased, I do not know, but I do think that it has not been decreased. If *t* alone showed a favorable change, I think many in our field would be interested in this method. A small group of us have found it to possess, comparatively speaking, utility. Like the systems used in other fields, this one is not a finished product; it is only a beginning.

Before entering upon a presentation of the system of symbols we have been using, I wish to make it clear to all concerned that I am not playing the rôle of a propagandist for any system or any method. Although the system so far developed has been very helpful to the small group using it, I am but slightly concerned about whether others use it. Furthermore, the symbols used in this partially developed system may not all be of value in the study of each phase or section of political science. Out of the forty-odd now used, eight may be of value to men working in the field of administration; while only two of the eight, and eleven others, may possess utility for those working in international relations. Twelve entirely different ones may be helpful in the study of constitutional law. All of the forty-odd symbols possess utility for some working in the field of theory, partly because of the theorists' interest in synthesis of analytical fields, in relations and relata. Again, utility might be the basis upon which each determines whether the system shall be considered at all and, if so, which particular symbols possess value for the individual or section concerned.

Back of, or underneath, our consideration of this problem of nomenclature are certain philosophical phases which we neither overlook nor ignore. It has been found convenient and helpful to take into consideration the position of the idealists.

Perhaps there is an absence of complete agreement, but some day, if we continue the search, we hope to find the answers to some of our questions and the solutions of some of our problems. Some of the symbols are at present undefined. We may understand something of a certain man's idea about law, but that does not indicate that we know the meaning of the term.

Some symbols are thought of as magnetic poles, themselves incompletely known, drawing unto themselves certain ideas or activities. There is utility in placing a label over the pole or magnetic field, even though we may not at this time be able to define either. We hope sometime to be able to understand both the pole and the field.

If the use of the idea of a magnetic pole does not appeal to my readers, perhaps the use of flags or banners or placards in a great convention will present more clearly the manner in which some of the symbols are here used. In a convention, a distinctive placard or flag may be used to indicate the meeting-place of a delegation or the area of the hall which is to be occupied by a certain group. A flag, a banner, or a placard does not completely define the delegation or the group, but a system of flags, banners, or placards possesses utility for the convention, the delegations, the messengers, the press, and the onlookers or visitors. The system not only eliminates some of the confusion on the convention floor, but simplifies many problems involving location of delegations and others concerned.

The scientific side of our work is also taken into consideration. Accuracy, clarity, precision, and utility are to be promoted in so far as possible without seriously interfering with other valuable programs. A seemingly paradoxical situation

appears in this connection. On the one hand, it is urged that no two symbols should indicate the same position, nor should one symbol or label be used to indicate two or more positions. On the other hand, it is almost necessary, and is certainly quite desirable, that the same symbol stand for more than one position. There are too few labels to satisfy even the political scientists, much less the social scientists or the entire group of scientists. One would hardly maintain seriously that the fields of knowledge first using symbols should have a monopoly on the use of them. There is no sound or sufficient reason why the letter *H* should not be used in both physics and political science, or the letter *O* by both the chemist and the political scientist. The accountant ought to be able to use the letter *A* as well as the political scientist. And the political scientist is able to use the symbol α in several ways, providing one thing is known (and this applies equally to all that has been suggested in this section), namely, the code word of the system involved. The symbol *H* has a definite and significant meaning to the chemist as soon as the code word, chemistry, is stated or written over the formula containing the symbol *H*. As soon as the code word, physics, is known, the symbol Ψ (psi) has a significance for the physicist. *A*, *L*, and *P* possess meaning to the accountant as soon as he is given the code word, accounting. The same holds true for the political scientist who is familiar with this nomenclature. The symbols can be used in one way or in one system known as the general, and they can be used in any number of special ways without confusion, as long as code words are clearly shown along the way. If no code word appears other than political science, it is assumed that the general system is being employed.

Another aspect of the scientific approach to the use of symbols in political science is classification. In this connection, symbols are thought of more frequently and more generally as canopies without side walls, rather than as tents whose walls come to the ground. They are used to designate certain general or specific areas without becoming involved in the prob-

lem of boundaries. This is particularly true of such symbols as α , β , and γ —the significance and meaning of which will be discussed presently. These symbols possess utility when one is attempting to work scientifically in political science.

Not only have we taken into consideration the idealist and the scientist; the artist and the teacher must also be considered. Art is an important factor as well as precision and exactness. Presentation of materials, methods, results, and conclusions is important if the activities in this field are to be seen clearly and understood adequately by others within the field as well as by those outside. Positions must be well rounded and fully appreciated. Flexibility and, at the same time, fine or minute variations are almost essential if the receiver is fully to comprehend the sender's problems. Real teachers are artists in the field of presentation.

Imagination must not be overlooked as we approach this system of nomenclature. To help the idealist, the scientist, or the artist, a system ought to be of such a nature that it stimulates rather than deadens one's imagination. Both the operator and the receiver should have their attention continually called to the possibility of the existence of other methods, other instruments, other data, and other results, not to mention other qualifications and conclusions.

Looking back over our school days, I notice that we first learned the words and the numbers of the language, then we learned how to count and spell, and finally we were introduced to algebra and advanced problems in multiplication and division. So with this system of symbols, or this language in political science; before one can add or subtract, construct equations, see relationships, or find errors, it is necessary, in most cases, to learn positions and numbers. This aspect, plus learning how to add and divide, might be called first-grade work. After the completion of the first-grade work, the students enter upon the work of the second and third grades. Meanwhile let us come to understand as clearly as possible the meaning or place of a few of the more important symbols used

in political science. They are used in research, in teaching, in discussion, and in philosophizing.

The Greek letter alpha (α) has come to stand as a canopy over what is now looked upon by some in our field as a collection of fundamental problems. It is one of the bundle or canopy symbols. These more or less basic factors on which the structure of political science has been reared are called, by some, assumptions; by others, postulates or functional propositions; by others, major premises; and by still others, primary articles of faith. They are axioms or self-evident truths to the mathematician, God-given laws to the theologian, and sound business propositions to the merchant or banker.

The alpha field and alpha problems are generally accepted without serious consideration. All too often we build on them without analyzing them. We assume that we exist, that there is a world, that we can communicate with and understand each other, that there are methods which we can use and problems which we can attack, and that certain things are necessary and others harmful. We even assume that we know good from evil, right from wrong, and sound from unsound methods and conclusions. Few indeed are the problems in political science that can be studied today without considering at an early stage this whole alpha factor. Some of us feel that it should be considered first in the study of any problem in the field of political science. At the present time, a number of us are attempting to make a careful analysis of the alpha problem.

The Greek letter beta (β) also stands as a canopy over what might be listed as a second collection of problems in political science. All the problems and activities which have to do with methods or instruments used in the consideration of a problem are known as beta problems, and the portion of the political science field which they occupy is called the beta field, or the beta problem. After alpha comes beta, and after a consideration of bases comes an analysis of instruments and techniques. This science has developed to such an extent that we have a number of instruments and methods which are used in attack-

ing our problems. Political scientists as well as carpenters have tool-boxes; and we have in ours a number and a variety of tools, even as the carpenter has in his. These tools, methods, and instruments need to be analyzed, classified, and evaluated from various angles. Some are more appropriate at one time, while another or others may be very helpful at another time, or in connection with another problem. Before one proceeds very far with the consideration of a problem in political science, the beta field or factor needs to be taken into consideration. The present article might well be called; "An Introduction to a Phase of the Beta Problem in Political Science."

After considering the alpha and beta fields, one might say that the natural or the reasonable thing to do would be to consider the control factor. Beta factors need to be controlled; political activities and policies, as well as the various devices established at one time or another, may well be considered from the standpoint of supervision or control. Both societies and governments, as well as individuals and special groups, almost continually face the problem of control. Instruments as well as agents are looked upon by many with disfavor whenever they operate, or attempt to operate, in an unrestrained manner. There are some who feel that this might be called the third problem in political science. The Greek letter gamma (γ) stands for this problem of control. The symbol within the gamma is the factor being controlled, or at least it indicates that an attempt is being made to control the unit represented by the symbol within the gamma.

The letter h stands for a very important unit in political science and in the study of the problems involved in this field. But before proceeding with an explanation of this symbol it will be helpful, I think, to note the symbol h when the code word is physics. Professor A. S. Eddington, in his splendid book, *The Nature of the Physical World*, tells us: "The amount of energy coming away from the sodium atom during any one of these discontinuous emissions is found to be $3.4 \cdot 10^{-12}$ ergs.

This energy is, as we have seen, marked by a distinctive period of $1.9 \cdot 10^{-15}$ secs. We have thus the two ingredients necessary for a natural lump of action. Multiply them together, and we obtain $6.55 \cdot 10^{-27}$ erg-seconds. That is the quantity h .¹⁰ And a little later on he says: "The mysterious quantity h crops up inside the atom as well as outside it."¹¹ We, in political science, can say the same thing of our h . It is a mysterious quantity, and one about which we know very little. This symbol may be one of our so-called magnetic poles. We certainly hope that some day we shall know more about it. h stands for the human organism, in all its splendor and in all its degradation. The Psalmist of old cried out: "What is man that Thou art mindful of him?" The question, what is h , still remains unanswered. Graham Wallas has given us his conception of h , but it is only his idea and is symbolized as h [Wallas], not as h .¹²

Before proceeding further with either an analysis of h or the presentation of other symbols, it will be well to note certain of the mechanical and auxiliary ones.

- + carries both the meaning of positive and of addition as in mathematics. One should remember that in algebra the sum of $a+b+c$ is $a+b+c$. Likewise in political science one might find that a man's vote was controlled by three laws plus five dollars plus two men [$3W + \$5 + 2h$].
- carries both the meaning of negative and of subtraction as in mathematics. It should be noted that the — sign also indicates direction, i.e., that one is to go in the opposite direction from the one in which he has been going.
- I stands for *inter*, between, together, or among.
- = as in mathematics, this symbol has the meaning of equals, or is equal to.
- ÷ indicates various aspects of classification, to classify, to break into parts of classification per se.

¹⁰ P. 183.

¹¹ *Ibid.*, 190.

¹² *The Art of Thought*, synopsis of Chap. I: "... the human organism as an imperfectly integrated combination of living elements, each of which retains some initiative of its own, while coöperating with the rest in securing the good of the whole organism."

- f carries the meaning of the function of, or function. (It is called function.)
- [] indicates parenthesis, especially to designate subscripts. (They are called brackets.)
- $>$ indicates decreasing when used with one, and means "is greater than" when used comparatively.
- $<$ indicates increasing when used with one, and means "is less than" when used comparatively.
- $::$ indicates proportion, as in mathematics.
- ξ stands for symbol, label, term, or arcanum. (It is called arc.)
- X stands for the unknown item or factor. (One of the major problems in political science is to cut down the extent and scope of this X item.) In using X in connection with classification, it should be recognized that the X class is, first, to indicate that the classification is an open one, and second, to contain the items which cannot be placed in other classes. It is generally wise to have an X class no matter how minute the classification may be.

The quantitative significance of a symbol, ξ , is expressed both generally and particularly by means of certain auxiliary symbols, as ξ).

Each of the primary and secondary symbols represents one unit of the idea or factor represented by the given symbol. Two or more units of a term are expressed by placing the second half of the parenthesis, [)], immediately following the symbol ξ . When one wishes to indicate a relatively large number of units, two or three of these are placed in the same posterior position. Thus, many human organisms = h)) ; a great many human organisms = h))) .¹³

Particular or definite quantities are expressed by the use of numerical prefixes, as $3h$ or $74h$. All, the totality of, or the summation of, is expressed, as in mathematics, by the Greek letter sigma [Σ].

Qualitative phases or aspects of a symbol are also expressed both generally and particularly. The general qualitative classification is represented by a system of exponents. These may be used as extensively as is thought desirable by various students. Up to the present time, nine qualitative positions have

¹³ This development of quantitative flexibility was suggested by Mr. Walter T. Bogart, of the political science department of the University of California at Los Angeles.

been used: four positive, four negative, and one general. The four positive exponents indicate four general, positive, or favorable qualitative classes. The exponent 2 indicates that the quality of the situation under consideration is slightly above the general class. The exponent 3 indicates that the situation represented by the symbol is above the general class, 4 that it is considerably above, and 5 that it is the highest. To illustrate: h^2 means that this h is slightly above the general class of h ; h^4 means that this h is considerably above the general class of h ; h^5 means that this h is the highest or finest type of h .

The four negative classes are represented by four negative exponents: -2, -3, -4, and -5. The exponent -2 indicates that the symbol accompanied represents a situation slightly below the general level or class of units represented by the symbol; -3 shows that the symbol is below the general class; -4 shows that the position is considerably below; and -5 that it is the lowest or poorest.

Both h without any exponent and h^1 indicate that h is being considered without any special reference to qualitative factors.

The exponent zero 0 indicates that the \tilde{h} so notated is being considered a constant, while the exponent minus one $^{-1}$ shows that the \tilde{h} so notated is being considered a variable.

A distinction is made, on the one hand, between the concrete, the material, or the physical, and, on the other hand, the abstract, the spiritual, or the mental. This is done by means of underscoring the symbol when the emphasis is to be placed on the material, and super- or over-scoring the symbol when the emphasis is on the spiritual or intellectual side.

The particular qualitative classification is represented by placing appropriate words or labels in brackets in the subscript position. Numbers may be substituted whenever a term or idea becomes sufficiently important to warrant a special means of representation. Examples of this particular qualitative representation are:

$\overset{h}{h}$ [U.S. citizen], $\overset{h}{h}$ [male], $\overset{h}{h}$ [soldier], and $\overset{h}{h}$ [yellow].

AMERICAN GOVERNMENT AND POLITICS

Government by Special Consent. American political theorists have long assumed that the various governmental units composing the United States act only in accordance with the powers bestowed upon them by constitutions and conforming laws of their respective jurisdictions. But in recent years they have received an electric shock through the development of "government by special consent." Basically, the new principle means that a supervisory authority can in reality exercise rights over persons and property not brought under its wing by the constitution under which it operates—provided certain public agencies or private parties agree to the extension. This practice, which has not yet received philosophical treatment, has enabled the several governments of the Union to conquer new worlds without resorting to the long, difficult, and unwieldy process of constitutional amendment. The novel method of transfer by agreement is both rapid and flexible. But why, one is led to inquire, do independent bodies surrender portions of their "sovereignty" to other groups? Certainly not through mere altruism. They do it "for value received," be it financial aid, convenience, advertising advantages, or other rewards. In all ages, from biblical days to the latest moment, birthrights have been sold for "pottage."

Financial pottage needs no introduction to most American observers. They are well aware that various states in the Union, for example, have agreed to accept national control over their internal roads, educational affairs, forestry, agriculture, and other matters in exchange for monetary assistance from the federal government.¹ Such transfers of authority for cash are of mutual benefit. In the first place, the cost of governmental services is mounting, and as a result the states enjoying slight economic strength find themselves hard pressed. In the second place, they cannot always secure the desired revenue from private property at hand, for certain vital sources of taxation are national rather than local in character. Thus the incomes of great corporations engaged in wide operations from Eastern headquarters cannot be touched by the smaller political units in other parts of the country.

¹ A. F. MacDonald, *Federal Aid: A Study of the American Subsidy System* (1925).

If, then, states require large sums which they cannot obtain from resources under their jurisdiction, they naturally welcome an opportunity to fill their coffers from congressional appropriations. On the other hand, the federal government waxes fat by the system, for it is thus given an opportunity to intervene in the work of states lending their approval to federal-aid projects. With the fruits of a continental experience at its command, the administration at Washington is often in a position to introduce the best practices from coast to coast and avoid much duplication and waste.

Direct financial inducements are not always necessary to secure the surrender of power by one political unit to another. The convenience of uniformity in the laws dealing with a given matter may be sufficient in itself to bring about the transfer of authority. Such is the case in the field of aviation.² Under the Air Commerce Act of 1926 the United States Department of Commerce can impose license requirements only upon aircraft and airmen engaged in interstate air commerce. In theory, the states are supreme in regard to air traffic within their respective boundaries. But the advantages of having a single standard licensing system for the whole country have become apparent. Accordingly, nineteen states have specifically provided that all aircraft and airmen coming under local control must be licensed by the federal government. Nine others require such national licenses for all commercial operations; while six more make it optional whether planes and airmen hold state or federal licenses. In summary, then, thirty-four states recognize federal aviation licenses as valid for both interstate and intrastate flying. Of the fourteen states outside this class, eight have no licensing systems whatever; so that there are only six states—Arkansas, Connecticut, Florida, Kansas, Massachusetts, and Pennsylvania—which have refused to grant control over local flying “by consent” to the Washington government.

In addition to the airplane, there are feathered denizens of the sky whose nation-wide movements also call for attention from the federal government. Once more the convenience of uniformity has been sufficiently powerful to cause a transfer of authority. Under the terms of a treaty between the United States and Canada, the two countries are made joint wards of migratory birds. The President of the United States, by the Migratory Bird Treaty Act, may make effective

² United States Department of Commerce, Aeronautics Branch, *State Aeronautical Legislation and Compilation of State Laws* (Sept. 1, 1929).

a variety of rules as to closed season and other modes of conservation which are enforceable throughout the land. But the specific right of the several states and territories to enact supplementary statutes providing equal or greater protection for birds than the federal prescriptions has been recognized by Congress.³ Legally, then, a system of concurrent jurisdiction in which national and local political units are each to play a rôle is contemplated. But most legislatures meet every two years, while the President of the United States is continuously at his post. Consequently, confusion results in the states if the President promulgates federal measures more stringent than their own laws at a time when their legislatures are not in session, and hence are unable to bring their books into harmony with his orders. To obviate this difficulty and secure the blessings of uniformity, twelve states have passed laws automatically making certain federal bird regulations binding in local affairs.⁴ Concurrent jurisdiction has been, through "special consent" of a number of localities, wiped out and replaced by centralized control from the capital at Washington.

The development of government "by special consent" has made possible a desirable uniformity in the laws covering the several fields treated above. However, certain matters are by nature local rather than national. Such affairs do not lend themselves to the type of integration we have just been discussing. Quite the contrary; they require decentralization. And "special consent" can win its victories in either direction. For example, the Supreme Court of the United States decided in 1896 that, in effect, each state owns the game within its borders and can prohibit its export. Taking advantage of this situation, many states proceeded to safeguard their own game animals as best they could.⁵ But while local laws proved adequate for internal control, they were quite powerless in cases where game passed in interstate commerce—the domain of the federal government. Rather than set up a separate remedial system of national laws, Congress passed the Lacey Act "to enable the states by their local laws to exercise a power over the preservation of game . . . which without

³ United States Department of Agriculture, Bureau of Biological Survey, *Service and Regulatory Announcements* (issued September, 1930).

⁴ Special letter from the Bureau of Biological Survey, December, 1930, to the author.

⁵ Jenks Cameron, "The Bureau of Biological Survey" (Institute for Government Research, Service Monograph No. 54), pp. 72-75.

that legislation they could not exert.'⁶ The act made it a federal offense for any person to deliver to any common carrier for transportation, or for any common carrier to transport in interstate commerce, game killed contrary to the laws of the state of its origin. When game arrives in the state where it is to be consumed, sold, or stored, it also becomes by act of Congress subject to the laws of said state "to the same extent and in the same manner as though [it] had been produced in such state or territory."⁷ By special consent, then, the United States government has relinquished its legislative power over interstate game shipments, leaving them subject to local laws from start to finish.⁸

Government "by special consent" does not always involve the acceptance of the statutes of one political unit by another political unit. The same result can be achieved in a different manner, namely, by vesting one individual with the authority to execute both sets of laws. The person so commissioned is, in theory, following the dictates of two governing bodies; but in practice he so completely integrates the work of both that the border line between them disappears. The situation may be illustrated by particular reference. By virtue of section five of the Food and Drug Act, the United States Secretary of Agriculture can commission state health, food, and drug officials as officers of the Department of Agriculture for the enforcement of the federal act. In addition, inspectors and other agents under the direction of the above commissioned officers are given credentials as representatives of the Department enabling them to secure samples from interstate shipments and otherwise to participate in national activities.⁹

This arrangement is of mutual advantage. From the standpoint of the states it is a decided benefit, for it permits local personnel to put their hands on interstate shipments which would otherwise be out of their reach under the Constitution of the United States. Thus it greatly tightens up law enforcement. If an inspector vested with both national and state authority pounces upon a batch of goods, there is no escape. If he finds a state law violated, he applies it; if there has been an infraction of federal law, he brings it into play. In neither case

⁶ 184 N.Y. 126

⁷ Pennsylvania refuses to accept this grant of authority.

⁸ For similar legislation in international affairs, see section 527 of the Tariff Act of 1930.

⁹ *United States Daily*, October 18, 1929.

need he communicate with any other "police" organization with a view to placing the matter in different hands. He can strike, and strike quickly. Red tape and the over-night removal of suspected goods are well-nigh eliminated. On the other hand, the government at Washington also profits by the system, for local men acting as national agents uncover many invasions of the federal Food and Drug Act which would escape the attention of a separate and necessarily small force of national field men acting alone.

If the advantages of vesting both federal and state authority in a single individual are so great in the field of food and drug inspection, may they not be equally impressive in other lines of activity? A positive answer can be rendered in the case of bird and game administration. On December 1, 1930, there were 642 state game wardens holding, by their own consent, commissions from the United States Bureau of Biological Survey as federal game wardens.¹⁰ Here also we find that a dual authority serves to prevent the escape of culprits who might readily slip through the loopholes resulting from the political division between the states and the federal government. Perhaps additional instances of combining local and national credentials at one and the same time could be unearthed if a detailed survey were made of the machinery of our government, but the two cases cited fairly represent the possibilities of this practice.

The above examples also illustrate the manner in which cognizance is taken of local constitutions prohibiting state employees from holding "offices" under the federal government. The food and drug inspectors possessing local and national commissions are not paid for their work in enforcing United States regulations. According to Mr. Walter S. Frisbie, of the Food and Drug Administration of the Department of Agriculture, this absence of compensation has been generally interpreted in practice to mean that the state inspector holding federal credentials is not an incumbent of a federal "office." Now in the case of game wardens the reverse is true, since a salary is paid to the local person acting as a federal agent. The salary feature attached to the latter position makes it a federal "office." Consequently, dual authority can be vested in game wardens only in states which do not definitely forbid state officers to hold "offices" under the national government.

Up to this point we have been dealing with instances in which one

¹⁰ State wardens are free to refuse federal commissions.

political unit surrenders part of its "sovereignty" to another, or where the jurisdiction of both is combined in the same individual. It remains to be seen how private parties may voluntarily bring themselves under the sway of a government which normally has no power over them. An interesting case of the latter type is the federal inspection of flying schools.¹¹ In theory, such institutions are local in their nature and normally exempt from regulation by the United States government. But the Secretary of Commerce, under congressional sanction, has invited flying schools to come under the wing of the national authorities "by special consent." The inducements offered are twofold. First of all, schools applying for federal approval are rigidly compared by the Department of Commerce with a theoretically ideally equipped organization. They are then rated on the basis of their conformity with this ultimate standard and are granted the privilege of employing such ratings in their advertising. Needless to say, inspection by the federal government carries great weight with the public and is often employed as a selling point by approved schools. The second inducement takes the form of a grant of extra credit toward federal aviation licenses to students of certified schools. Balancing the advantages of federal inspection against the bother of supervision, forty-one flying schools had applied for and received national ratings by September 15, 1930.¹²

Patterned after the regulation of civilian flying schools through the "special consent" of the interested parties is the federal supervision of airports. Under existing law, "the Secretary of Commerce will rate airports of the United States as to their suitability upon application of the owners of these facilities." By November 1, 1930, only two airports had been officially rated, and both of these had received an A-1-A classification, the highest obtainable.¹³ Naturally, an airport does not wish to advertise its defects, and it is to be presumed that inferior fields not eligible for an A-1-A rating will not apply for federal inspection. But the superior airports capable of being registered as A-1-A are induced to seek federal regulation because of the advertising value attached to national approval. Indeed the mere mention of the fact that the two A-1-A airports are located at Denver, Colorado, and Pon-

¹¹ United States Department of Commerce, Aeronautics Branch, *Air Commerce Regulations, School Supplement*.

¹² United States Department of Commerce, Aeronautics Branch, *Aviation Schools Having Approved School Certificates*, Sept. 15, 1930 (Mimeographed).

¹³ *United States Daily*, May 10, 1930.

tiae, Michigan, suggests to the flying public that these two fields ought to be included in a transcontinental itinerary. And anyone desirous of finding out in advance what to expect if he lands on either spot can do so by reading the description of a standard A-1-A airport printed in the "Airport Rating Regulations," to be obtained from the Department of Commerce, Aeronautics Branch.

In the field of mine safety, as in that of aviation, the regulatory powers of the federal government have been extended by the "special consent" of private parties. The Bureau of Mines of the Department of Commerce, through its Pittsburgh experiment station, has formulated a series of safety standards for apparatus and explosives designed to prevent needless accidents underground. Upon payment of a small fee, the station will test equipment sent to it by any manufacturer to see whether it conforms with the federal requirements. If upon examination such paraphernalia are found satisfactory, the manufacturer is granted the privilege of marking them with a seal stating that they have been approved by the United States Bureau of Mines. Thereafter goods so approved are technically known as "permissible" materials and are listed in government periodicals in catalogue form. There is no legal compulsion upon any manufacturer to seek federal approval, but, since a number of mine owners have come to realize that "permissible" materials greatly improve the safety of their operations, they favor such goods in their purchases. A Bureau of Mines official recently stated orally that perhaps ten per cent of the country's mines have, on their own motion, chosen to employ "permissible" devices. And one state, Utah, has seen fit to require the use of "permissibles" in local mines in certain circumstances.¹⁴ Consequently, manufacturers of "permissible" items are at an advantage in the market catering to progressive mining interests. It is the desire to invade this market that stimulates producers to welcome federal regulation "by special consent."

Owing to the development of the theory of "government by special consent," political units are enabled to perform work that needs to be done without breaching the ancient constitutional walls with which they are surrounded. Where there is a will there is often a way, and "special consent" opens an attractive path. It permits the national legislative and executive departments to adopt statutes and rules which are automatically incorporated into local laws and *vice versa*.

¹⁴ Utah Industrial Commission Orders, April 8, 1924, and February 21, 1930.

The agents of one government are acting in effect as the agents of another. While such interplay violates the precious "integrity" of separate political entities, it is inevitable. If the organic society of today cannot steal under or around the old barriers erected between various governmental units, it must perish. The data already presented indicate that it has chosen the former course—to survive through ingenuity.

WILLIAM BEARD.

Washington, D.C.

The Publicity Division of the Democratic Party, 1929-30. Observers of the American political system have long recognized the difficult position of the opposition party as an effective critic of the legislative and executive policies of the party in power, especially in the interval between campaigns. Our constitutional practices result in the nomination of "available" men for the presidency, and in the rather complete elimination of the defeated candidate from a position of acknowledged party leadership. The methods and traditions which govern and control the procedure of Congress are hardly adapted to produce party leaders who can speak authoritatively for the minority. It is rare that the party out of power is cohesive, united, and ready to present and support an alternative program.¹ It is decidedly difficult, under normal conditions, to arouse public interest in the minority's position, save in the period which precedes an election. On the other hand, because of the great prestige attaching to the presidential office, and because of the elaborate methods of favorable publicity so highly developed by recent chief executives, the party in power is able to direct continuous attention to its policies and program.

The question of effective minority opposition concerns chiefly the Democratic party, since it seems probable that it will remain, for the most part, in the position of an opposition party. The lack of funds adequately to finance campaigns and the relatively insignificant press support given to the Democracy are factors which accentuate the difficulty. Shortly after the election of 1928, former Governor Smith indicated some of the handicaps facing his party between elections and recommended that the Democratic party at Washington develop the

¹ There is a concise summary of the present party situation, especially the lack of party responsibility and the reasons therefor, by Lindsay Rogers, in "Problems of Party Responsibility," in *The Future of Party Government* (1929), pp. 79-84.

educational function of the minority party and adopt a constructive program, "rather than sit by and adopt a policy of inaction with the hope of profiting solely by the mistakes or failures of the opposition."²

Several months later, the chairman of the Democratic National Committee formally announced the creation of a permanent Executive Committee and the appointment as its chairman of Mr. Jouett Shouse, for many years well known in party circles.³ In several addresses shortly after his appointment, Mr. Shouse, the originator of the plan, declared that a serious and sustained effort would be made toward the maintenance of three major activities, namely, organization, publicity, and research.⁴ The importance of organization is, of course, generally recognized, and chief interest attaches to the publicity features of the new arrangement. On June 15, 1929, the appointment of Mr. Charles Michelson as director of publicity for the Democratic National Committee was made public. In making this selection, excellent judgment was displayed. Mr. Michelson, after much experience in newspaper work, had been from 1917 to 1929 the Washington correspondent of the *New York World*. He is a journalist of training and ability, by temperament and by conviction admirably qualified for the position.

It was soon evident that the director was to assume the offensive. During June, 1929, fourteen statements were released by the Publicity Division, and in the interval between July 1, 1929, and September 1, 1930, approximately one statement each day appeared—a total of 406, including clip-sheets.⁵ Much interest has been manifested in the method of preparation of the various statements, and the charge has been made that they were the product of "ghost-writing." These charges require some qualification. The statements that have been prepared by the Division have been, in large part, the reproduction of

² His statement is in the *New York Times*, November 14, 1928. In a subsequent radio address he declared that "it has been the habit of the Democratic party to function only six months in every four years." *Ibid.*, January 17, 1929.

³ The Executive Committee announced by Mr. Raskob on May 1, 1929, should not be confused with a committee of similar name which functioned in the campaign of 1928.

⁴ On June 10, 1929, he said to the Jefferson Association of Washington that "what we propose to set up here is a business-like national headquarters that will function continuously . . . for the education of the people as to what is taking place in the conduct of their government by the party now in power. . . ."

⁵ From July, 1929, to January, 1930, 196 statements were made public; from January to September, 1930, 210. No statements issued after the latter date were considered, it being assumed that the campaign of 1930 had then commenced.

interviews with Democratic senators and representatives; about three-fourths, in fact, have come from Democratic members of Congress. The chairman of the Executive Committee has been responsible for the remainder. In some instances, of course, suggestions have been made to members that a statement upon a certain subject might be timely and valuable. A large proportion of the statements have been prepared personally by members of the House and Senate, and in those instances in which such members have merely talked to representatives of the Division and the interview has subsequently been prepared for publication, the manuscripts have been submitted for final approval before being published.

The subject-matter of the publicity is based, in nearly every instance, upon some question pending before Congress or upon some phase of the national administration. A large majority of the published statements—some 280 in all—have dealt with the Hawley-Smoot tariff bill. The range covered has been wide, including the controversial flexible tariff provisions, the rate structure, the purported attitude of the Hoover administration toward the bill, and replies to the contentions of the majority leaders. Many of these statements have been presented in the name of members of the House or Senate best qualified to speak. The tariff was before the Congress for many months; it remains, with some qualifications, an orthodox party issue; and it was foremost during the period when the Division was first organized. The other chief legislative and political issue, farm relief, received little criticism during the consideration and passage of the 1929 legislation; the number of statements devoted to that subject is very small. The operation of the act and some of the policies of the Federal Farm Board have incurred subsequent criticism. Other interviews have included general and specific comments upon the administration and its alleged failures, particularly upon the so-called "Hoover panic." Optimistic predictions were made concerning the results of the 1930 elections, but it is obvious that a real attempt has been made to confine the statements to political and governmental questions. Mr. Michelson has shown great skill in directing the preparation and submission of the publicity; many of the statements are of genuine political interest and are certainly welcome to those who believe in the rôle of the minority party as a critic of the party in power.

During the period under examination, statements were made by

fifty-two persons, many party leaders participating in numerous separate releases. Senator Robinson, the minority leader, and his party colleagues of the Senate finance committee, Barkley, Simmons, Harrison, George, Connally, and Walsh of Massachusetts, have been especially active; while in the House, Representatives Garner, Byrns, McDuffie, Crisp, and Collier have assumed the chief burden. In addition, excerpts from speeches and interviews of Senators Brookhart, Capper, Couzens, La Follette, Norris, Nye, and Shipstead have been used. Only in cases where it seemed necessary for the Committee itself to speak have statements by Mr. Shouse been made public.

In providing for distribution, the accepted methods have been used, and the result has been a wide hearing. The statements are intended primarily for distribution to the Washington correspondents and to the various news agencies. A copy of each statement is sent to the members of the Democratic National Committee and to the chairmen of the various state committees. Each week, also, material is prepared for release to the weekly papers, and a news letter is sent out regularly to a list of daily papers which do not maintain Washington representatives. Weekly clip-sheets are widely circulated. Finally, the radio was used as an instrumentality of publicity during the tariff debates.

Not the least interesting feature has been the reaction of the official Republican leaders. At first, no doubt feeling secure after their sweeping victory of 1928, they were not inclined to take very seriously the work of Mr. Michelson's organization. It soon became evident, however, that they could no longer ignore the Democratic statements, which had news value and were highly irritating to the White House. Republican regulars, chiefly Senators Watson and Fess and Representatives Tilson and Wood, issued counter-statements denying and belittling the Democratic assertions. Subsequently, a Republican publicity director was installed. Fortunately for the Democrats, economic conditions were such that Mr. Michelson was able to force the fighting and to keep the opposition on the defensive. Latterly, there has been an unfortunate revival of some of the tactics of the 1928 campaign. It is now charged that the entire Democratic plan is a "Raskob plot" against the peace and dignity of the Hoover administration, and much hue and cry has been raised over the alleged attempt to "destroy" the President.* Although effective in 1928, it is to be hoped that the

* Frank R. Kent, long an admirer of Mr. Hoover, has discussed the question in "Charley Michelson," in *Scribner's Mag.*, September, 1930, pp. 290-296. The

American electorate will not further respond to such absurdities. The party officials who are directing the fortunes of the minority party are abundantly justified in their attempt to make it an effective critic of the majority party. There are many indications that they have in considerable measure succeeded. The results, it is to be hoped, will be beneficial to both parties.

THOMAS S. BARCLAY.

Stanford University.

article was reprinted as a Republican campaign document for the 1930 elections. See also Oliver McKee, Jr., "Publicity Chiefs," *North American Review*, October, 1930, pp. 411-418.

CONSTITUTIONAL LAW IN 1929-30

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1929

ROBERT E. CUSHMAN
Cornell University

A. QUESTIONS OF NATIONAL POWER

I. LEGISLATIVE POWER

1. *Regulation of Commerce*

The Supreme Court continues its century-long task of drawing the line that separates commerce which is interstate or foreign from that which is local. The realistic nature of the test which it uses is made clear in two cases decided during the present term. In *Superior Oil Company v. Mississippi ex rel. Knox*,¹ the plaintiffs, by a cleverly devised arrangement of technicalities, sought to make it appear that they were selling gasoline in interstate commerce. They hoped thus to escape the payment of the tax of three, and later four, cents a gallon imposed by Mississippi law upon the sale of gasoline within the state. The device used was as follows: The plaintiffs sold oil and gasoline to fish packers in Mississippi and delivered it to them at their wharves. The packers loaded this onto their own boats and sent it to a point in Louisiana where they in turn delivered it to shrimp fishermen who used it in fishing. The fishermen brought back their catch and sold it to the packers and were charged for the oil and gasoline. In each case the oil company gave the packers a bill of lading stipulating that the gasoline remained the company's property until delivered to the consignee's agent at the point of destination. In other words, a Mississippi seller deliberately takes gasoline outside the state of Mississippi in order to deliver it to a Mississippi buyer in the expectation that the transaction will have the appearance of interstate commerce and escape local taxation as such. The Court held that the business did not constitute interstate commerce. In an opinion by Mr. Justice Holmes it is pointed out that the gasoline was actually bought by the packers within the state and that they were under no obligation to send it over

¹ 280 U.S. 390.

the state line for delivery. "The only purpose of the vendor here was to escape taxation."

In *United States v. Erie Railroad Company*,² the carrier attacks the jurisdiction of the Interstate Commerce Commission to establish a rate for the transportation by rail within the state of New Jersey of wood pulp imported through Hoboken and shipped from there to Garfield, New Jersey, over the defendant's road. It alleges that this shipment by rail is local and not part of the importation. The whole transaction was as follows: The paper mill at Garfield, New Jersey, offers to buy from a New York broker who represents certain foreign mills certain quantities and grades of foreign wood pulp. The broker cables one of the mills he represents and receives their acceptance of the offer, naming the Garfield mill as purchaser. The broker then makes a contract with the Garfield company in his own name providing for the shipment of the pulp from abroad and its delivery at an agreed price in New York harbor. The foreign mill is not named in the contract, but receives a copy of it. The pulp is shipped to the broker marked with brands, not with the names of individual customers. The broker is able, however, to identify the pulp destined for the Garfield factory and arranges for its shipment by rail after its arrival in port. The company pays for this transportation directly. The carrier contends that the title to the pulp passes to the consignee at Hoboken, and not before; and that the shipment by rail from the port to the ultimate destination is, therefore, a separate and independent transaction entirely subsequent to the importation and not connected with it. The Court, speaking through Mr. Justice Brandeis, held that the precise point at which title passed was immaterial, and that the rail transportation was in fact a part of foreign commerce. The finding of the Interstate Commerce Commission that "from the time the pulp is put aboard the steamer there is a continuing intent that it should be transported to Garfield" was amply supported by evidence, and was conclusive.

2. *National Taxation*

Two years ago the Court held in *Elodgett v. Holden*³ that a federal tax laid upon gifts made before the law went into effect was void as a deprivation of property without due process of law. In the case of

² 280 U.S. 98.

³ 275 U.S. 142. See comment in this *Review*, vol. 23, p. 81.

Bromley v. McCaughn,⁴ questions as to the validity of the act as applied to gifts made after its effective date were certified to the Court from the circuit court of appeals. These questions were: Does the gift tax violate the Constitution because it is a direct tax and is not apportioned? Does it deny due process of law because of the arbitrary schemes of graduation and exemption which it involves? Does it violate the requirement of uniformity? In an opinion by Mr. Justice Stone, the Court answers all these questions in the negative. The tax is not a direct tax. Direct taxes are those "levied upon or collected from persons because of their general ownership of property," or a tax "which falls upon the owner merely because he is owner, regardless of the use or disposition made of his property." An excise, on the other hand, is a "tax imposed upon a particular use of property or the exercise of a single power over property incidental to ownership." The gift tax falls in this latter class, since the power to give it away is a mere incident of property or power over it. The system of graduation and exemptions contained in the law is found to be not arbitrary in character, and therefore not wanting in due process of law. Finally, there is no violation of the constitutional rule of uniformity applicable to excises, since that rule, as has often been held, requires only geographical, and not intrinsic, uniformity. Mr. Justice Sutherland, with Justices VanDevanter and Butler concurring, dissented on the ground that "the right to give away one's property is as fundamental as the right to sell it, or indeed to possess it." A tax upon the gift is in effect a tax upon the property itself, and is therefore direct and must be apportioned.

The case of *Tyler v. United States*⁵ and two cases merged with it present an interesting problem in the interpretation of the federal succession tax law. In each case a husband and wife held property as "tenants by the entirety," a form of joint ownership, and in each case the property had originally been the exclusive property of the husband before the tenancy was created. At his death the entire amount of the property thus jointly held was included in the husband's gross estate in computing the amount of the succession tax. The provisions of the statute plainly include such property. It is alleged that to levy the tax is unconstitutional because the tax falls upon property which the wife already owns and is, therefore, a direct tax which is

⁴ 280 U.S. 124.

⁵ 281 U.S. 497.

unapportioned. It is also attacked as being so arbitrary and capricious as to amount to a denial of due process of law. The Court upheld the tax. The contention that the tax is direct is unsound, because it is actually imposed upon the right of the wife to receive at the death of the husband rights in the property held as tenants by the entirety which she had not heretofore enjoyed. For the first time she becomes entitled to exclusive possession and control over property in which her husband has before enjoyed equal rights. "Thus the death of one of the parties to the tenancy became the generating source of important and definite accessions to the property rights of the other. There is, in other words, a transfer of property rights due to death; and a tax upon that transfer is an excise and not a direct tax. The Court found no merit in the argument based on the due process clause.

3. *Ceded Districts*

The exclusive nature of the jurisdiction enjoyed by the United States over lands acquired by the federal government by purchase with the consent of the state legislature of the state within which they are located is upheld in two cases. In *United States v. Unzueta*,⁶ the defendant was indicted for murder alleged to have been committed in a freight car on the right of way of the Chicago and Northwestern Railway through the Fort Robinson Military Reservation in Nebraska. He alleged that the federal district court had no jurisdiction, since the right of way was within the jurisdiction of the state of Nebraska. The district court held that it had no jurisdiction, and the government appealed. The right of way was acquired by the railroad in 1885, and jurisdiction over the district was ceded to the United States by the state of Nebraska two years later, with the proviso that the cession should cease if the United States discontinued the ownership and occupation of the district, and with the further condition that the state should enjoy the right to serve civil and criminal process within the district. The Court held that the jurisdiction of the United States was complete and exclusive; that the right of way enjoyed by the railroad was entirely compatible with that exclusive jurisdiction, and that the defendant was properly triable in the district court.

In *Surplus Trading Company v. Cook*,⁷ the Court held that the state of Arkansas could not collect a personal property tax upon a

⁶ 281 U.S. 138.

⁷ 281 U.S. 647.

quantity of army blankets which the plaintiff company had purchased from the federal government, and which upon the date fixed by state law for the listing of personal property for assessment were still within the boundaries of the Camp Pike Military Reservation. Camp Pike was acquired by the United States in 1917 with the consent of the legislature of Arkansas. The jurisdiction of the federal government over it is complete and exclusive, and the taxing laws of the state can have no effect within it. The opinion of Mr. Justice VanDevanter contains an excellent résumé of the cases bearing upon the constitutional status of ceded districts.

II. JUDICIAL POWER

1. *The Nature and Content of Judicial Power*

The courts of the United States have no jurisdiction over divorce, even when the parties to the case are those to whom federal jurisdiction would normally apply. This is held in Ohio *ex rel. Popovici v. Agler*.⁸ Popovici was the vice-consul of Rumania and a citizen of that country. His wife sued him for divorce in an Ohio court, and he denied the jurisdiction of the state court. The words of the Constitution and statutes seem on their face to bear out his claim. Article III provides that "The judicial power shall extend . . . to all cases affecting ambassadors, other public ministers and consuls," and that "In all cases affecting ambassadors, other public ministers and consuls . . . the Supreme Court shall have original jurisdiction." The Judicial Code expressly states that the jurisdiction vested in the federal courts shall be exclusive of the jurisdiction of the courts of the several states in certain enumerated cases, among which are "all suits and proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice-consuls." Jurisdiction over suits against consuls and vice-consuls is specifically given to the district courts. In spite of this sweeping language, the Court held that the federal courts have no jurisdiction in a divorce action. In a short opinion, Mr. Justice Holmes pointed out that when the Constitution was framed it was generally understood that the field of domestic relations was reserved to the regulation and jurisdiction of the states, that there was no intention to invest the federal courts with authority in such cases, and that the words "suits against consuls and vice-consuls"

⁸ 280 U.S. 379.

must be taken to mean ordinarily civil proceedings, and not to include what formerly would have belonged to the ecclesiastical courts.

In *Federal Radio Commission v. General Electric Company*,⁹ the Supreme Court refused to review the decision of the court of appeals of the District of Columbia given on an appeal from an order of the Federal Radio Commission, on the ground that the proceeding was not a case or controversy within the meaning of the judiciary article of the Constitution, and consequently not within the scope of federal judicial power. The powers granted to the Radio Commission are broadly discretionary. They include the issuing of radio station licenses and renewals thereof "where public convenience, interest, or necessity will be served thereby," and authorize the Commission to determine the question of public convenience, interest, or necessity. The decisions of the Commission in matters under its control are final, subject to appeal to the court of appeals of the District of Columbia. The present case arose out of a reversal by the court of appeals of an order of the Commission. In an opinion written by Mr. Justice VanDevanter, it is held that the function of the Commission in issuing or refusing to issue a license is a purely administrative act, while the provision for appeals to the court of appeals of the District "does no more than make that court a superior and revising agency in the same field." The function which the court of appeals performs is precisely the same as that rendered in hearing appeals from the Commissioner of Patents, a function which has repeatedly been held to be administrative rather than judicial in character. The court of appeals of the District of Columbia is not organized under the judiciary article of the Constitution, but is a "legislative court," organized in the exercise by Congress of its power to govern the District. It may properly be invested with non-judicial duties, and has in fact fallen heir to several of that character. The Supreme Court, however, may exercise only judicial functions and may not participate in the exercise of functions which are essentially legislative or administrative. The present case is wholly different from those in which the Supreme Court reviews the decisions of the Board of Tax Appeals or the orders of the Interstate Commerce Commission or the Federal Trade Commission. The jurisdiction exercised in those cases is strictly judicial in character.

The aversion which the Supreme Court has shown to taking jurisdiction in cases which partake of the nature of declaratory judgments is

⁹ 281 U.S. 464.

emphasized in its refusal to take jurisdiction in *Piedmont and Northern Railway Co. v. United States*.¹⁰ The case arose out of an application by the plaintiff for permission to extend its lines, an application which was refused by the Commission. An injunction was sought to restrain the Commission from taking any action against the plaintiff under the order. The Court, through Mr. Justice Brandeis, held that "the order is entirely negative. It is not susceptible of violation and cannot call for enforcement. . . . There is no suggestion in the bill how the Commission or the government could conceivably take any action under the order. . . . What the plaintiffs are seeking is, therefore, in substance, a declaratory judgment. . . . Such a remedy is not within either the statutory or the equity jurisdiction of federal courts."

2. Judicial Power in Suits Between States

It will be recalled that at the 1923 term of the court the Supreme Court issued a decree in the case of *Wisconsin v. Illinois*¹¹ to the effect that the state of Illinois and the Sanitary District of Chicago must proceed at once to reduce the excessive diversion of water from Lake Michigan, construct sewage disposal plants, and adjust itself to a flow of water through the drainage canal only adequate to maintain navigation. The precise method by which these results were to be accomplished was to be recommended to the Court by the master, Mr. Hughes, to whom the case was again referred for further consideration. The findings of the master were duly filed with the Court, and in the present case of *Wisconsin v. Illinois*¹² a decree is issued carrying them into effect. The substance of the decree is that after July 1, 1930, not more than 6,500 cubic feet of water per second may be diverted from the lake; after December 31, 1935, not more than 5,000 cubic feet per second may be taken; and after December 31, 1938, not more than 1,500 cubic feet per second may be taken. In each case allowance is made for domestic pumpage. The Sanitary District is required by the Court to file twice a year a report setting forth the progress made in the construction of sewage disposal plants, the effect of the operation of such plants, and the average diversion of water from the date of the decree down to the making of the report. At the making of these reports either the plaintiffs or the defendants may apply to the Court

¹⁰ 280 U.S. 469.

¹¹ 278 U.S. 367. See comment in this *Review*, vol. 24, p. 77.

¹² 281 U.S. 179.

for such action or relief with respect to time for construction, or with respect to the diversion of water, as may be appropriate.

The case of *Kentucky v. Indiana*¹³ presents a rather unique controversy between two states. In 1928 Kentucky and Indiana, through their respective highway commissions, entered into a contract for the joint construction of a bridge across the Ohio River between Evansville in Indiana and Henderson in Kentucky. Various acts of the two state legislatures and of Congress were recited in the contract as authority for the enterprise. Indiana began construction, and thereupon nine taxpayers of the state brought suit in the state court to enjoin the highway commission from proceeding with the work, on the ground that the contract was unauthorized and void. Delay resulted, inasmuch as Indiana refused to go forward with the work until the taxpayers' action attacking her right to do so was disposed of. The state of Kentucky therefore brought an original suit in the Supreme Court seeking an injunction to restrain the individual citizens from bringing an action in the state court which would interfere with the performance of the contract, and seeking specific performance of the contract by the state of Indiana. The defense of the state of Indiana, if it can be called a defense, is novel. It admits all the allegations of the state of Kentucky. It states that it believes that the contract is valid and that it wishes to proceed with its performance. Its only excuse for not doing so is the taxpayers' action brought in its own court. If the Supreme Court will grant to the state of Kentucky either type of relief asked for, Indiana will at once proceed to the performance of the contract. The Supreme Court dismissed the petition for the injunction against the individual Indiana litigants on the ground that they could not properly be made parties to the action between the two states, since any decree rendered would bind the state of Indiana regardless of any inconsistent proceedings in its own courts. A writ of specific performance was issued, however, ordering Indiana to proceed with the execution of the contract. The defendant state had made no defense, and Kentucky was plainly entitled to the relief asked for.

III. FEDERAL BILL OF RIGHTS

1. *Waiver of Jury Trial*

One of the most important and interesting cases decided at the present term of court was that in which it was held that a defendant in

¹³ 281 U.S. 163.

a criminal prosecution in a federal court may waive his constitutional right to a jury trial. This is the case of *Patton v. United States*.¹⁴ Patton was indicted for conspiracy to bribe a federal prohibition officer, a crime punishable by imprisonment in a federal penitentiary. A jury of twelve men was duly empaneled, and the trial proceeded for a week, at the end of which time one of the jurors was taken seriously ill and was unable to serve further. Thereupon it was agreed between the prosecution and the defendant, the defendant personally assenting in open court, that the trial should proceed with the remaining eleven jurors. The court consented to this, after emphasizing that the absence of a juror would result in a mistrial unless both sides should waive all objections. After this statement by the court, both sides again openly indicated their willingness to proceed with eleven jurors, and the trial accordingly went forward and resulted in the conviction of the defendant. An appeal was thereupon taken to the circuit court of appeals on the ground that the defendant had no power to waive his constitutional right to a trial before a jury of twelve persons. The circuit court of appeals certified the constitutional question to the Supreme Court. The opinion of the Court is written by Mr. Justice Sutherland, and is an elaborate and able analysis of the whole problem. The court recognizes at the outset the importance of the problem, the divergence of opinion upon it in the lower federal and state courts, and the fact that in some of its own earlier opinions there are statements which, if followed, would deny the right to waive a jury trial. Next, the precise nature of trial by jury, as that phrase is used in the Constitution, is examined and found to embody three essential elements: "(1) that the jury should consist of twelve men, neither more nor less; (2) that the trial should be in the presence of and under the superintendence of a judge having power to instruct them as to the law and advise them in respect of the facts; and (3) that the verdict should be unanimous." These three common law elements are embedded in the Constitution, and "are beyond the power of the legislative department to destroy or abridge." It follows that a trial before a jury of eleven men is not a jury trial in the constitutional sense, any more than would be a trial before a jury consisting of a single person. Agreeing to a trial before a jury of eleven is equivalent to agreeing to waive a jury trial altogether. The Court is unimpressed by the suggestion that eleven is almost twelve, that the deviation from the con-

¹⁴ 281 U.S. 276.

stitutional requirement is slight, and that the courts can be depended upon to see that the size of the jury is not unduly reduced. "It is not our province," says Mr. Justice Sutherland, "to measure the extent to which the Constitution has been contravened and ignore the violation, if, in our opinion it is not, relatively, as bad as it might have been."

The Court then turns to what it declares to be the crucial question in the case, which is: "Is the effect of the constitutional provisions in respect of trial by jury to establish a tribunal as a part of the frame of government, or only to guarantee to the accused the right to such a trial?" If jury trial is an essential part of the structure of government, obviously no defendant can possibly have the power to waive it. But after careful consideration the Court reaches the conclusion that such is not the case. There is no evidence that in English or colonial law such a view was taken of jury trial. On the contrary, it seems clear that the framers of the Constitution viewed it as a privilege which they were preserving for the benefit of the accused. This interpretation is supported by the fact that American courts have always recognized the right to waive jury trial in civil actions, and have also permitted pleas of guilty in criminal trials. The plea of guilty has the effect of dispensing with jury trial and "effectively destroys the force of the thought that 'the state,' the public, have an interest in the preservation of the lives and liberties of the citizens and will not allow them to be taken away without due process of law." The fact that in England the accused was not permitted to waive jury trial was due to the rigidity of the law which denied him the right to waive any right set up for his protection. The position of the accused, thanks to a more humane modern policy, has been so far improved that many protections with which the common law originally surrounded him have been relaxed without prejudice to his rights, and it is no longer possible to say that the waiver of a jury trial is forbidden on grounds of public policy. Nor is there any sound reason for concluding that such waiver may be effective in the case of misdemeanors and not in the case of felonies.

2. *Due Process of Law*

In *Tagg Brothers and Mcorhead v. United States*,¹⁵ a provision of the Packers and Stockyards Act of 1921 was attacked on the ground of

¹⁵ 280 U.S. 420.

an alleged denial of due process of law. This provision declared that persons engaged in the business of buying or selling in interstate commerce livestock on a commission basis are "market agencies." It required such agencies to furnish their services upon reasonable request, without discrimination and at reasonable rates, and conferred upon the Secretary of Agriculture the power to determine what are just and reasonable rates. In addition to certain objections based upon the procedure followed in fixing such rates, the plaintiffs alleged that the act was void because the services they rendered were no part of interstate commerce and hence were beyond the reach of congressional regulation, and because those services, being personal in character, were not affected with a public interest sufficient to permit the regulation of their rates by law. The rates themselves as set up by the Secretary of Agriculture were also charged to be confiscatory. The Court, speaking through Mr. Justice Brandeis, found no difficulty in upholding the act against these attacks. The plaintiffs perform "an indispensable service in the interstate commerce in live stock," so that there is no doubt that they are well within the reach of the commerce power. The fact that the services rendered are personal in nature, being those of a broker, does not prevent their being also affected with a public interest. They are so affected, and there is no denial of due process of law in subjecting them to regulation by law. The fact that the plaintiffs employ small capital has no bearing upon the public and monopolistic nature of their business. The minor objections grounded upon procedural methods employed in establishing the rates, and upon the alleged insufficiency of the evidence upon which they were based, were rejected as without substantial merit.

An important decision affecting the legal position of labor organizations involved in interstate commerce and covered by the Railway Labor Act of 1926 is the case of *Texas & New Orleans Railroad Co. v. Brotherhood of Railway & Steamship Clerks*.¹⁵ It will be recalled that fresh machinery for the settlement of labor disputes on the railroads was set up in the Transportation Act of 1920. A Labor Board was created, with power to act as a board of arbitration between the roads and their employees. The Court held, however, that the Board had no power to compel compliance with any award which it might make, but must rely upon the "moral constraint of publication of its decisions." General dissatisfaction with the Board and its powers and

¹⁵ 281 U.S. 548.

activities led to the enactment in 1926 of a new statute creating a permanent Board of Mediation and a system of voluntary arbitration of labor disputes with compulsory enforcement of awards. In all cases a preliminary attempt must be made to settle such disputes by amicable agreement and conference between representatives of the roads on the one side and the employees on the other. In that connection the act stipulates: "Representatives, for the purposes of this chapter, shall be designated by the respective parties in such manner as may be provided in their corporate organization or incorporated association, or by other means of collective action, without interference, influence, or coercion exercised by either party over the self-organization or designation of representatives by the other."

In the present case a dispute had arisen between the brotherhood of railway clerks and the railroad with respect to wages. This had been referred to the Board of Mediation, and conferences were in progress. The brotherhood had been organized in 1918, and had been continuously recognized by the majority of clerks in the employ of the road as having the right to represent them and their interests. After the beginning of negotiations the company instigated the formation of a union of its railway clerks. It brought pressure to bear on members of the brotherhood to withdraw from that body and join the new organization, and attempted to make the new union the spokesman for the clerks in dealing with the railroad. This pressure took the form of the discharge of some of the more active officers of the brotherhood and the cancellation of their passes. Employees of the company were allowed to spend their time in organizing the new union without reduction of their pay. There was ample evidence, based upon correspondence of the railroad officials, that the company was trying to secure a settlement of the wage dispute on terms satisfactory to itself, and that the new union was being used directly to that end. The brotherhood secured an injunction from the district court enjoining the company from interfering in any way with the free choice of representatives by the clerks. After this injunction was issued, the road recognized the new union as the official representative of the clerks, and was thereupon adjudged by the court to be in contempt of court for breach of the injunction. To purge itself of this contempt, it was ordered to disestablish the new union entirely and reinstate the brotherhood as the representative of the clerks until such time as those employees by secret ballot should select some other representatives. The validity of the

injunction was attacked by the railroad as not being within the scope of the act, and as being unconstitutional on several different grounds.

In an illuminating opinion by Chief Justice Hughes the injunction was upheld. It was claimed that the statement in the statute quoted above purporting to guarantee freedom of action in the selection of representatives was merely declaratory of a policy, but was not susceptible of actual enforcement through a court decree. The Court pointed out that such freedom of selection was indispensable to the effective working of the whole scheme set up by Congress, was appropriate to the purpose of Congress, and was capable of enforcement. It must be concluded, therefore, that Congress actually intended that it should be enforced. The absence of any stipulation in the act of penalty for interference with such freedom of selection does not bar enforcement by injunctive process. The contention that the power of Congress over interstate commerce does not extend to this field of legislation is repudiated. It is well within the power of Congress under the commerce clause to "facilitate the amicable settlement of disputes which threaten the service of the necessary agencies of interstate transportation." It was urged that the decisions in *Adair v. United States*¹⁷ and *Coppage v. Kansas*,¹⁸ invalidating the so-called "anti-coercion statutes" which forbade employers to discharge employees because of labor union membership, applied to the present case and proved that the railroad was being deprived of its liberty without due process of law. The Court answered that there is here no interference with any right of the employer. The employer has no constitutional right to interfere with the freedom of the employees in making their selection of representatives, and consequently is not being deprived of any right without due process of law. Finally, it was urged that the injunction was improvidently issued, because the Clayton Act provides that no injunction shall issue in a labor dispute unless necessary to prevent irreparable injury to property or to a property right. The Court expressed doubt whether this provision would prevent the issuance of an injunction to restrain a violation of an explicit provision of an act of Congress. It expressed its belief that a property interest, namely the free choice of representatives, was imperilled by the interference of the railroad, and that the injunction fell within the scope of the Clayton Act.

¹⁷ 208 U.S. 161.

¹⁸ 236 U.S. 1.

IV. STATUTORY CONSTRUCTION

1. *The Volstead Act*

Two cases of importance dealing with the meaning of the Volstead Act were decided during the present term. In *United States v. Farrar*,¹⁹ the question arose whether a person who buys intoxicating liquor the sale of which is forbidden by the act can be punished under any provision of the statute. The act provides that it shall be unlawful for any person to "manufacture, sell, barter, furnish, or possess any intoxicating liquor except as authorized in this act." This clearly does not forbid the purchase of the liquor. The act further authorizes the manufacture and sale of liquor for medicinal, mechanical, and sacramental purposes, and establishes a system of permits covering these uses. In this connection it stipulates that "no one shall purchase . . . any liquor without first obtaining a permit from the commissioner to do so." The government claimed that this clause could be interpreted broadly to forbid any purchase of liquor not made specifically legal. The Court held, however, that this clause must be interpreted as applying only to sale and purchase of liquor in the authorized traffic, and could not be given the broader application. The Court alludes to the long-standing doctrine that the purchaser of illicit liquor is guilty of no offense. It alludes to the fact that the government is thus left free to secure evidence of unlawful sale by preserving the complete freedom of the buyer of liquor to testify against the seller, and suggests that this may have been the motive underlying the immunity always extended to the buyer. At any rate, Congress in passing the Volstead Act must be presumed to have known that this was the state of the law, and its failure to provide specifically for the punishment of the purchaser must be construed as evidence of its intention to leave him free from restraint.

In *Danovitz v. United States*,²⁰ the Court extended the scope of the forfeiture provision of the Volstead Act to include containers, barrels, bottles, corks, labels, and cartons offered for sale in such a way as purposely to attract purchasers who wanted them for unlawful manufacture of liquor. The forfeiture of the property was based on the provision of the statute which makes it "unlawful to have or possess any liquor or property designed for the manufacture of liquor in-

¹⁹ 281 U.S. 624.

²⁰ 281 U.S. 389.

tended for use in violating this chapter or which has been so used, and no property rights shall exist in any such liquor or property." In an opinion by Mr. Justice Holmes, it is declared that the purpose of the Prohibition Act was to suppress the entire liquor traffic and it must be liberally construed to that end. The goods seized were certainly in a general and loose sense designed to be used in the manufacture of liquor, and as such were within the prohibition of the act.

*Interstate Commerce Commission v. United States ex rel. Los Angeles*²¹ holds that the Transportation Act of 1920 does not empower the Interstate Commerce Commission to compel interstate railroads to build a union station in the city of Los Angeles.

In *International Shoe Co. v. Federal Trade Commission*,²² the Court set aside a finding of the Federal Trade Commission that the plaintiff was guilty of violating the Clayton Act. The Commission's ruling had been based on the fact of the acquisition by one company of the stock of another engaged in the manufacture of shoes. The Court rejects this on the ground that the bulk of the trade of each of the companies is in a different section of the country; that because of differences of appearance and workmanship the products of the two concerns do not appeal to the same class of buyers; that in respect to ninety-five per cent of the business there was no actual competition. The resulting lessening of competition is not sufficient to affect the public injuriously. Mr. Justice Stone, with Justices Holmes and Brandeis concurring, dissented on the ground that the finding of the Commission, since supported by evidence, should be regarded as conclusive.

In *United States v. Wurzbach*,²³ the meaning and validity of the federal Corrupt Practices Act of 1925 was presented to the Court. Wurzbach, a member of the House of Representatives, was indicted for having received money from officers and employees of the United States for use in his primary campaign for renomination to the House of Representatives. The act provides: "It is unlawful for any senator or representative in . . . Congress, or any candidate for, or individual elected as, senator, representative, . . . or any officer or employee of the United States . . . to directly or indirectly solicit, receive, or be in any manner concerned in soliciting or receiving, any

²¹ 280 U.S. 52.

²² 280 U.S. 291.

²³ 280 U.S. 396.

assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person." The district court quashed the indictment, and the government appealed under the Criminal Appeals Act. The lower court assumed that the authority of Congress to pass the provision in question rested upon the constitutional clause giving Congress the power to regulate the manner, time, and place of holding elections, and that consequently, under the doctrine of the *Newberry* decision, the prohibitions of the statute could not be made applicable to primary elections. This assumption, however, the Supreme Court rejects. Speaking through Mr. Justice Holmes, it holds that the basis of the act is the power of Congress to control and protect its own officers. "The power of Congress over the conduct of officers and employees of the government no more depends upon authority over the ultimate purposes of that conduct than its power to punish a use of the mails for a fraudulent purpose is limited by its inability to punish the intended fraud. . . . It hardly needs argument to show that Congress may provide that its officers and employees neither shall exercise nor be subjected to pressure for money for political purposes, upon or by others of their kind, while they retain their office or employment." Nor is the act open to objection upon the grounds of vagueness.

B. QUESTIONS OF STATE POWER

I. THE FOURTEENTH AMENDMENT

1. *Due Process of Law*

a. *Due Process of Law in Relation to the Police Power.* There were no decisions of outstanding importance dealing with the application of the due process clause of the Fourteenth Amendment to state police legislation. The case of *Corn Exchange Bank v. Coler*²⁴ upholds a New York statute which provides for the impounding of the property of an absconding husband or father and its application to the support of wife and children likely to become public charges. This may be done without notice, either actual or constructive, to the absconder. The practice is an ancient one and does not deny due process of law.

A variation on the case of *Lawton v. Steele*²⁵ arises in the case of *Miller v. McLaughlin*.²⁶ The middle of the channel of the Missouri

²⁴ 280 U.S. 218.

²⁵ 152 U.S. 133.

²⁶ 281 U.S. 261.

River divides Nebraska and Iowa. Nebraska forbids fishing in Nebraska waters with nets, traps, or seines, and makes the possession of them unlawful except as authorized by the department of agriculture. An Iowa statute forbids such fishing in Iowa waters unless one secures a license from the state game warden for the use of such nets and seines. Miller, a resident of Nebraska, is about to have his nets and seines confiscated under the Nebraska law and protests that he plans to use them on the Iowa side. He challenges the right of Nebraska to forbid his fishing in the waters of the Missouri River because of the alleged concurrent jurisdiction which the two states enjoy over the river. The Court rejects both contentions. Nebraska has full power to prevent its own citizens from fishing in its own waters, and Miller's pious intention to use his nets on the Iowa side, assuming that he could get an Iowa license, does not protect them from confiscation by Nebraska if he keeps them within the boundaries of that state.

In *New Orleans Public Service Co. v. New Orleans*,²⁷ the plaintiff, a street railway company which had some years ago constructed with municipal permission a single-track viaduct over one of the city streets, is now ordered to remove it on the ground that it is unsafe, that it requires extensive repairs to put it into proper condition, and that the public interest will be served by the establishment of a double-track grade crossing. This is to be done at the company's expense. The Court holds that this is not an unreasonable exercise of the police power, and hence no impairment of the Company's franchise contract.

b. *Due Process of Law in Taxation*. In three cases of importance the Supreme Court dealt with the question of the jurisdiction of the states to tax intangible personal property and expressly overruled one of its previous decisions upon this point. The first of these is the case of *Safe Deposit and Trust Co. v. Virginia*.²⁸ In considering the jurisdiction of a state for purposes of taxation over intangible personal property, it has long been regarded as sound to allude to the rule *mobilia sequuntur personam*, which permits taxation at the domicile of the owner. The decision in the Virginia case does not effect any general repudiation of this rule, but it does establish an exception to its literal application and indicates that the Court does not intend to follow it mechanically when to do so seems to work injustice through double taxation. The facts of the case are as follows: In 1920 one

²⁷ 281 U.S. 682.

²⁸ 280 U.S. 83.

Kellam created a trust for the benefit of his two sons, with the plaintiff, a Baltimore firm, as trustee. The securities comprising the corpus of the trust were kept by the trustees in Maryland. Upon Kellam's death in the same year, the two sons became the equitable or beneficial owners of the trust, but with no power of control. The Kellams were all residents of Virginia and remained so, and Virginia taxed the corpus of the trust. Such taxation the present case holds to be beyond the state's jurisdiction, and therefore a violation of the due process clause of the Fourteenth Amendment. Mr. Justice McReynolds speaks for the Court and emphasizes that the securities are property within the state of Maryland where they are located and controlled by the plaintiffs who are the owners of the legal title. They are obviously subject to taxation by the state of Maryland. No one in Virginia has at present any right to their possession or control, nor any right to receive income from them or to cause them to be brought into the state. Had any resident of Virginia owned or controlled them, the result would be different. As it is, to apply the rule which would make them taxable in Virginia would be to ignore the essential facts of the case and work injustice. The opinion concludes with this observation: "It would be unfortunate, perhaps amazing, if a legal fiction [*mobilia sequuntur personam*] originally invented to prevent personalty from escaping just taxation should compel us to accept the irrational view that the same securities were within two states at the same instant and because of this to uphold a double and oppressive assessment." Justices Stone and Brandeis, in an opinion by the former, concurred in the result. They agreed that a Virginia tax on the legal owners of the trust domiciled in Maryland was bad, but were unwilling to agree that Virginia could not if she wished tax the equitable interests of the beneficiaries of the trust. No attempt had been made to do this. Mr. Justice Holmes dissented on the ground that a Virginia tax on the trust was valid since the actual owners were domiciled there.

The second case, that of *Farmers' Loan and Trust Co. v. Minnesota*,²⁹ arose upon the following facts: Taylor, a resident of New York, died in that state in 1925. He had long owned and kept in New York bonds issued by the state of Minnesota and by the cities of Minneapolis and St. Paul amounting to some \$300,000. None had any connection with any business carried on by or for Taylor in Minnesota. His will was probated in New York and an inheritance tax levied by that state.

²⁹ 280 U.S. 204.

Minnesota assessed an inheritance tax upon the same transfer of the bonds. The Court held the Minnesota tax void. It pointed out that the bonds were to be regarded as choses in action. The maxim *mobilia sequuntur personam* properly applies to them and gives them a situs for taxation in the state of New York. The case of *Blackstone v. Miller*,³⁰ decided in 1903, laid down the doctrine that choses in action, or debts, are subject to taxation both at the domicile of the debtor and also at that of the creditor, and that the two states may properly tax the same transfer of property by inheritance without violating due process of law. In other words, it legalized double taxation in intangible property. The Court now declares: "Blackstone v. Miller no longer can be regarded as a correct exposition of existing law; and to prevent misunderstanding it is definitely overruled."

Mr. Justice McReynolds, again speaking for the Court, points out that there are four theories which have been advanced covering the situs for taxation of negotiable public obligations. One fixes this at the domicile of the owner, one at the debtor's domicile, a third at the place where the bonds are actually kept, and a fourth in the jurisdiction where the owner has caused them to become integral parts of a localized business. To allow each state to adopt any one of these rules and tax accordingly might result in the same bonds being taxed four times. Obviously no state can tax property not within its jurisdiction. It is also true that the right of one state to tax "may depend somewhat upon the power of another to do so." In the case of tangible personal property, the rule has been established that it may be taxed at its situs only and its transfer may be taxed there alone. It is thus protected against double taxation. The same reasons which support the immunity of tangible property from double taxation apply with equal force to intangible property. It has long been held that intangible property, choses in action, is taxable at the domicile of the owner. It may not then be taxed by another jurisdiction. Mr. Justice Stone wrote a concurring opinion in which he took exception to the rather general tenor of the majority opinion with respect to double taxation. "There are, I think, too many situations in which a single economic interest may have such legal relationships with different taxing jurisdictions as to justify its taxation in both, to admit our laying down any constitutional principle broadly prohibiting taxation merely because it is double. . . ." Mr.

³⁰ 188 U.S. 189.

Justice Holmes dissented, holding that the transfer of the bonds could be validly taxed both by New York and Minnesota. The laws of Minnesota are necessary to call into existence the obligation represented by the bonds and to keep it alive. "The right to tax [by Minnesota] exists in this case, because the party needs the help of Minnesota to acquire a right, and that state can demand a *quid pro quo* in return."

The third case, that of *Baldwin v. Missouri*,⁸¹ follows the general rule of the two preceding cases. Mrs. Baldwin, a resident of Illinois, died in 1926 and left all her property to her son, a resident of the same state. The will was probated in Illinois and an inheritance tax paid upon the transfer. The property consisted of real estate in Missouri, credits for cash deposited in Missouri banks, and certain United States bonds and promissory notes also physically located in the state of Missouri. The Court held that the rule of *Farmers' Loan and Trust Co. v. Minnesota* covers this case. The bank deposits and the bonds are credits, or choses in action, and while physically situated in Missouri are really property in the hands of their owners. They are taxable therefore by the state of Illinois, and not by the state of Missouri. Justices Holmes, Stone, and Brandeis dissented.

In *Cochran v. Louisiana State Board of Education*,⁸² an attempt is made by certain taxpayers to restrain the expenditure of state money for the purchase of textbooks for school children. Under the state law, free books were provided for children, not only in the public schools, but also in private, religious, and sectarian schools as well. This, it was urged, amounted to the taking of private property for a private purpose in contravention of the due process clause. The Court rejected the contention and upheld the tax. It pointed out that the books are supplied to the school children and not to the schools, and that the school children of the state alone are the beneficiaries of the act. There is no evidence that any of the books furnished are religious or sectarian in character. The taxing power of the state has accordingly been used for a public purpose.

The extent of the discretion enjoyed by a state in classifying for purposes of taxation is emphasized in *Ohio Oil Co. v. Conway*,⁸³ in which an Ohio statute is upheld against the claim that it is so arbitrary as to deny due process and the equal protection of the laws. The tax

⁸¹ 281 U.S. 586.

⁸² 281 U.S. 370.

⁸³ 281 U.S. 146.

in question imposed a scale of levies upon oil based upon its gravity, a criterion roughly approximating the gasoline content which is the principal element of value. This criterion is found to be unobjectionable, even though it is not in all cases accurate, and even though some of the oils produced have value for various purposes which does not correspond to their gravity.

In *Carley & Hamilton v. Snook*,³⁴ the plaintiffs objected to the payment of graduated license fees exacted by the state of California for the use of the public highways, the proceeds of which went for the maintenance of such highways. These fees were exacted in addition to license fees imposed by the municipalities over whose streets the plaintiffs did most of their business. It is held that there is no objection to the levying of the state tax in addition to the municipal tax, since the state could have levied them both as one tax. The plaintiffs cannot complain because the proceeds of the state fees go to the upkeep of roads which they do not use extensively. There is no obligation on the part of the state to use taxes for the benefit of those who pay them. There is no merit in the contention that the taxes are tolls which are prohibited by the Federal Highway Act. The exemptions in the taxing act based upon minimum weight and the graduated taxes based upon weight of vehicles are not objectionable as denying the equal protection of the laws.

c. *Due Process of Law and Eminent Domain.* Students of municipal government and city planning have been awaiting with interest a decision by the Supreme Court of the United States upon the highly debatable question of the validity of the exercise of the power of eminent domain known as excess condemnation. In *City of Cincinnati v. Vester*,³⁵ the Court approaches that problem and then passes it by, though not without throwing some light upon what its final decision upon the question is likely to be. The *Vester* case, with which two others were merged, arose out of an injunction to restrain the city of Cincinnati from condemning more land than was actually needed for widening a street in that city. Acting under the authority of the Ohio constitutional provision authorizing the use of excess condemnation in connection with municipal improvements, the city proceeded to condemn lands outside the line of the street improvement it had under way. The property of the three plaintiffs was thus taken,

³⁴ 281 U.S. 66.

³⁵ 281 U.S. 439.

and they allege that such taking is in excess of the power of the city, since it amounts to a taking of private property for a private purpose in violation of the Fourteenth Amendment. In defense, the city alleges that, in general, excess condemnation is resorted to for three different purposes: the avoidance of remnants of land, the preservation of improvements through the resale of the excess land under suitable building restrictions, and finally the recoupment of part of the cost of the improvement through the resale of the excess land at a price enhanced by the improvement itself. The city denies that it necessarily expects to resell the excess land at a profit. In fact, it does not seem very sure of just what disposition of the land it is going to make, and declares in its argument "that an impersonality such as a city cannot very well testify as to what its plans and hopes are." The Court, speaking through Chief Justice Hughes, emphasizes the importance of the rule that all takings under eminent domain must be for a public purpose and that the public nature of any taking must in the last analysis be tested by the courts. These are rules which must be followed strictly. Since the city has not indicated, and does not seem able to indicate, what the purpose of the excess taking actually is in the present case, the Court declines to pass upon the public or non-public character of that taking. "Questions relating to the constitutional validity of an excess condemnation should not be determined upon conjecture as to the contemplated purpose, the object of the excess appropriation not being set forth as required by the local law." The excess taking is therefore void on the ground of non-compliance with the Ohio statutes, rather than upon the merits of excess condemnation itself. It seems fair to assume that if the Court had regarded all three of the purposes for which the excess land could have been taken in this case as public in character, it would have upheld the excess condemnation. It seems to the writer a safe speculation that the Court, from its attitude in this case, would hold that excess condemnation for purposes of financial recoupment amounts to a taking of private property for a non-public purpose, and hence is wanting in due process of law.

d. *Due Process of Law and the Regulation of Public Utilities.* Hardly less significant than the O'Fallon case³⁶ in indicating the Court's present position upon questions of rate regulation and valua-

³⁶ St. Louis and O'Fallon R. Co. v. United States, 279 U.S. 461. See comment in this *Review*, vol. 24, p. 83.

tion is the case of the United Railways and Electric Co. v. West,³⁷ commonly spoken of as the Baltimore Street Railway Case. The facts in the case were not in dispute and are as follows: The company has for thirty years owned and operated all the street railway lines in the city of Baltimore. Its present capital amounts to \$76,000,000, consisting of \$24,000,000 of common stock and the remainder in bonds. In recent years the total number of passengers carried has decreased, although the "rush hour" business has increased. To meet the rush hour demands, men and equipment have been necessary which cannot be productively employed the rest of the time. Since the war, operating costs have nearly doubled. There was agreement between the company and the public service commission of the state that the present value of the property used by the company was \$75,000,000. This amount included \$5,000,000 for the company's franchises to use the streets of Baltimore. Upon this valuation the commission had allowed the company a rate which would produce a return of 6.26 per cent. In figuring this return, the depreciation of the company's property was computed at present cost rather than original cost. The rate thus established was attacked by the company as confiscatory. The Supreme Court upheld this contention and set aside the commission's order.

In the opinion written by Mr. Justice Sutherland for the majority of the Court three important issues are dealt with: First, is it legitimate to include in the rate base the value of the easements or franchises which have been given by the city to the utility? This question had not been raised below, but was urged for the first time before the Supreme Court by the commission. Mr. Justice Sutherland does not discuss it on its merits, but sweeps it aside with the statement that if it ever possessed substance an objection to the valuation based on this ground comes too late. The Court thereupon accepts the valuation including this item of franchise value as the basis for disposing of the case. Secondly, the Court finds that 6.26 per cent is an inadequate return upon the company's investment, amounts to confiscation of property, and therefore to a denial of due process of law. In determining what "fair return" is, a number of elements must be considered. To clear the atmosphere, Mr. Justice Sutherland states that "what is a fair return within this principle cannot be settled by invoking decisions of this Court made years ago based upon conditions radically

³⁷ 280 U.S. 234.

different from those which prevail today. . . . A rate of return upon capital invested in steel railway lines and other public utilities which might have been proper a few years ago no longer furnishes a safe criterion either for the present or the future." Nor can the same test of "fair return" be applied to all utilities. "Circumstances, locality, and risk" must all be taken into account. Where the income from the service rendered to the public is "low, uncertain, or irregular," a higher rate will be required to stimulate confidence in the enterprise, maintain its credit, and enable it to perform its functions economically and efficiently. Thus, by inference, the plaintiff company, facing a waning and possibly doomed business, must be allowed a higher rate of return than would be necessary in the case of a gas or power company where the profits are certain and the continuance of the public demand apparently guaranteed. It appears that the company in the present case has been obliged to borrow some \$18,000,000 during the last ten years, upon which it has paid an interest rate averaging over seven per cent. In the light of these considerations and facts, the Court finds that in this case "rates securing a return of $7\frac{1}{2}$ per cent, or even 8 per cent, on the value of the property would be necessary to avoid confiscation." The company itself having asked for a rate which would produce 7.44 per cent, the Court upholds this as the minimum. Thirdly, the Court holds that the computation of depreciation as an element in determining net income must be made upon the basis of present cost. The point is not argued at length, but the Court's view is embodied in the statement: "It is the settled rule of this Court that the rate base is present value, and it would be wholly illogical to adopt a different rule for depreciation."

In an elaborate opinion, Mr. Justice Brandeis dissented from the decision of the Court. While observing that a net return of 6.26 per cent on the present value of the company's property "would seem to be compensatory," he does not argue that point. The reason for this is that the elimination of the value of the company's franchises from the rate base would mean a return of 6.7 per cent; while a computation of depreciation on what he regards as a proper basis would give a return of 7.78 per cent. It is on these two points that he bases his dissent. Rejecting the idea that the Court may not consider the question of the inclusion of the value of the franchises because of delay in raising the question, Mr. Justice Brandeis urges that such values should not be included. His position is summarized in this statement:

"Franchises to lay pipes or tracks in the public streets, like franchises to conduct the business of a corporation, are not donations to a utility of property by the use of which profit may be made. They are privileges granted to utilities to enable them to employ their property in the public service and make profit out of such use of that property." On the matter of depreciation he takes the position that the mere fact that the rate base is present value does not mean that depreciation must be computed on that basis. In an extended survey of business practice and unofficial and official sanction bearing upon the problem, he shows that the general custom in the business world is to compute depreciation on the basis of original cost. Such a rule, or some approximation of it, ought to be employed in computing the net return of a utility. Justices Holmes and Stone concurred in the dissent, and Mr. Justice Stone added a short dissenting opinion of his own.

The well-established rule that a public utility cannot escape from its obligation to serve the public at rates established by clear contract between it and the public authorities, even though those rates result in loss, tends to focus attention upon the question whether such a contract actually exists. This issue was raised in three cases during the present term. Such a binding contract was found to exist in *Georgia Power Company v. City of Decatur*.³⁸ Here the company, while not denying an original binding contract covering rates, tried unsuccessfully to prove that that contract was no longer in force, since the original grantee of the franchise had sold its property to the present plaintiff, while at the same time the city had relieved the plaintiff of certain obligations upon consideration that it would operate the line in question at the contract rate. The contract was held still in force. In *Railroad Commission v. Los Angeles Railway Corporation*,³⁹ the Supreme Court, in the absence of state decisions upon the questions, was obliged to determine whether the city had the power to make a binding contract with the company establishing a maximum rate, and whether such a contract had subsequently been abrogated. It held that the city had no such power under the California statutes. Even if it had, as the city seems to have assumed, the contract is no longer in force, since the state, through the railroad commission, has effectively waived the right to require service at the franchise rates by twice taking jurisdiction upon application of the company in a pro-

³⁸ 281 U.S. 505.

³⁹ 280 U.S. 145.

ceeding to determine what a just and reasonable rate would be. In *Broad River Power Company v. State ex rel. Daniel*,⁴⁰ the company claimed immunity from an unprofitable rate contract on the ground that the contract had not survived a consolidation of the original grantee of the franchise with other utility companies. The Court found no ground for holding that this merger in any way impaired the continuance of the original franchise contract.

e. *Due Process of Law and Procedure.* The first opinion written by Chief Justice Hughes after his return to the bench was in the case of *Ohio ex rel. Bryant v. Akron Metropolitan Park District*,⁴¹ a case involving the validity of the provision of the Ohio constitution requiring the concurrence of more than a bare majority of the supreme court of that state in order to invalidate an act of the legislature. The provision in question reads as follows: "No law shall be held unconstitutional and void by the supreme court without the concurrence of at least all but one of the judges, except in the affirmance of a judgment of the court of appeals declaring a law unconstitutional and void."⁴² The case arose out of an attack upon the constitutionality of the Ohio Park District Act. The lower Ohio courts held the act valid. In the state supreme court, two judges held the act valid and five held it invalid. Under the constitutional provisions quoted, this necessitated a decision of the court upholding the statute. In the present case the rule requiring the concurrence of an extraordinary majority of the court is attacked as a denial of due process of law, an undermining of the republican form of government in Ohio, and a denial of the equal protection of the law. None of these arguments was found by the Court to have force. The objection based on the supposed destruction of republican government was, of course, ruled out on the ground that the enforcement of the guaranty clause presents only political questions. The due process argument was disposed of by holding that the right of appeal to a higher tribunal is not required by due process of law, that due process had been fully accorded by the hearing in the lower state courts, and that the state was therefore free to impose any restriction upon the appeal to the state supreme court which accorded with its view of public policy. The claim that

⁴⁰ 281 U.S. 537.

⁴¹ 281 U.S. 74.

⁴² For valuable comment upon the operation of this clause since its adoption, see "Minority Control of Court Decisions in Ohio," by W. R. Maddox, in this *Review*, vol. 24, p. 638.

the provision denied equal protection of the law was grounded on the fact that, under the arrangement established, a state statute might be held constitutional in a case arising in one county of the state and unconstitutional in another, depending upon whether the decision of the supreme court happened to affirm or reverse a decision of the court of appeals. It has long been held, however, that the states have wide latitude in establishing their judicial systems; one system of courts may be set up for cities and another for rural districts; different appellate courts may be set up for different parts of the state. "There is no requirement of the federal Constitution that the state shall adopt a unifying method of appeals which will insure to all litigants within the same state the same decisions on particular questions which may arise."

That due process of law may be denied by judicial decision as well as by legislative or administrative action is emphasized in *Brinkerhoff-Paris Trust & Savings Co. v. Hill*.⁴³ The plaintiff brought action in the state court to enjoin the collection of certain taxes on the ground of gross inequality in the basis of assessment. The supreme court of Missouri dismissed the case on the ground that the plaintiffs had an adequate remedy in the form of a right to a hearing before the state tax commission, a remedy which they had neglected to pursue. Six years before the beginning of this suit, however, the supreme court of the state had held that the state tax commission had no authority to grant such relief as that sought in this case, and this had been regarded as the settled law of the state. In the present case this earlier decision is reversed, the authority of the commission is reestablished, and the plaintiff is told in substance that he should have approached the commission for relief, even though the court itself had squarely held that no such relief could possibly be granted. The reversal of decision effecting the rehabilitation of the commission's power comes too late for the plaintiff to take advantage of it. The result seems to be that the plaintiff has never had his "day in court," and is now denied one. This is held to deprive him of his property without due process of law. If such a procedural scheme had been devised by statute, there would be no doubt as to its transgression of the due process clause. "The violation is none the less clear when that result is accompanied by the state judiciary in the course of construing an otherwise valid state statute."

⁴³ 281 U.S. 673.

In *Home Insurance Company v. Dick*,⁴⁴ the defendant, a citizen of Texas, seeks to collect from the plaintiff company, a New York corporation, the amount of an insurance claim for the loss of a boat by fire. The company had reinsured the risk taken by a Mexican company upon the boat. The whole transaction had taken place outside the state of Texas, and the only reason for bringing the action in a Texas court was the fact that Dick resided in the state and that the company had an agent there in compliance with the law applicable to foreign insurance companies. Under the terms of the policy, no claim could be collected unless suit were brought within one year from the date of the loss. More than a year had elapsed before this suit was brought. A Texas statute provides, however, that no person or corporation shall make any contract by the terms of which suits upon it must be brought in less than two years in order to be effective. Dick claims the benefit of this rule. If the Texas rule governs, Dick can recover; if not, he is without a remedy. The court holds that there is no part of the transaction to which the laws of Texas may apply. The state cannot change the terms of a contract operative wholly outside its borders. To extend the contract term of one year within which suit must be brought to two years is to impose a burden upon the company and to deny it due process of law.

2. Equal Protection of the Laws

There is no denial of the equal protection of the laws in a Connecticut statute preventing one carried gratuitously or as a guest in an automobile from recovering damages from the owner or driver for injuries resulting from the negligent operation of the car. If the legislature believed that the abuses growing out of the multiplicity of suits arising out of the gratuitous carriage of passengers were conspicuous, it could properly single them out for regulation and control, even though it is conceivable that similar abuses which may occasionally arise in connection with other vehicles are not included in the provisions of the act. This is the case of *Silver v. Silver*.⁴⁵ Other cases raising questions of equal protection of the laws, but involving no new principles of law, are *Herbring v. Lee*,⁴⁶ *Corporation Commission of Oklahoma v. Lowe*,⁴⁷ and *Bekins Van Lines v. Riley*.⁴⁸

⁴⁴ 281 U.S. 397.

⁴⁵ 280 U.S. 117.

⁴⁶ 280 U.S. 111.

⁴⁷ 281 U.S. 431.

⁴⁸ 280 U.S. 80.

II. STATE AND FEDERAL RELATIONS

1. *State Taxation and Interstate Commerce*

An Illinois statute provides that all business corporations, except insurance companies, shall pay an annual license tax of five cents on each hundred dollars of the proportion of its capital stock represented by business transacted and property located in the state. In *Western Cartridge Co. v. Emmerson*,⁴⁹ the application of this tax to the plaintiff was attacked as amounting to a burden upon interstate commerce. The company operates factories and has its principal offices in Illinois. It issued stock to the amount of \$5,701,800; it had property valued at \$6,924,804, of which \$6,894,903 was located in the state. During the year under review its business had amounted to \$11,670,925, of which \$1,919,822 represented products shipped to Illinois purchasers, while the remainder was made up of goods shipped to customers outside the state and was accordingly reported as interstate commerce. The state of Illinois treated all the business as being done in the state and computed the tax on such proportion on the capital stock as its business plus its Illinois property was of such business and all its property. The Court holds that the tax is properly levied and does not burden interstate commerce. All the goods sold were manufactured in the state, and such manufacturing was business carried on in the state. The state may properly tax all of the company's property located in the state without regard to its use in interstate commerce. The tax in question does not fall directly upon interstate commerce, nor does the amount of it depend upon the amount of interstate business carried on by the company. While the actual shipping of the goods out of the state was interstate commerce, the effect of the tax upon this part of the company's business was so remote and indirect as not to amount to a violation of the commerce clause.

In *New Jersey Bell Telephone Company v. State Board of Taxation and Assessment*,⁵⁰ a so-called franchise tax was laid upon all persons or corporations privileged to use the public streets or highways, computed upon such proportion of the gross receipts from the business in the state as the length of lines or mains in the streets bears to the total length of such lines or mains. The Court, speaking through Mr. Justice Butler, held this to be a burden upon the company's interstate business, and therefore void. The basis upon which the tax was computed

⁴⁹ 281 U.S. 511.

⁵⁰ 280 U.S. 338.

bore no true relation to the value of the privilege to use streets. The tax is a direct burden upon gross receipts, and as applied to gross receipts derived from interstate commerce is a burden upon that commerce. Justices Holmes and Brandeis dissented.

2. *State Taxation of Federal Instrumentalities*

The immunity from state taxation which is accorded to federal bonds is enlarged even beyond its previous limits in the case of *Missouri ex rel. Missouri Insurance Company v. Gehner*.⁵¹ A Missouri statute provides that the property of all insurance companies organized under the laws of the state shall be subject to taxation. To this end, the companies are required to make returns of all real estate owned or controlled by them and of "the net value of all its other assets or values" in excess of the reserves required by law for certain specific purposes. In the present case the company made its return as directed, but deducted from its personal property \$94,000 worth of United States bonds. The board of equalization of the state declined to accept the company's return, and while not denying the general doctrine of the non-taxability of federal bonds, it employed the bonds in its computation of the company's net worth to the amount of \$53,357. This the Court holds to be beyond the power of the state. Says Mr. Justice Butler: "It necessarily follows from the immunity created by federal authority that a state may not subject one to a greater burden upon his taxable property merely because he owns tax-exempt government securities. Neither ingenuity in calculation nor form of words in state enactments can deprive the owner of the tax exemption established for the benefit of the United States." Mr. Justice Stone dissents from this decision in a careful opinion concurred in by Justices Holmes and Brandeis. He maintains that the immunity from taxation by the states extends only to federal securities directly or to their income. There is no sound reason, in his judgment, why such securities may not be included in computing for purposes of state taxation the "net worth" of the company.

⁵¹ 281 U.S. 313.

LEGISLATIVE NOTES AND REVIEWS

EDITED BY CLYDE L. KING
University of Pennsylvania

State Legislation on Public Utilities in 1930. The problems of public utility control occupy an especially prominent position in the annals of state legislation for the year 1930, even though only ten states held legislative sessions. The records of the hearings and the reports of the special investigating commissions in New York and Massachusetts¹ contain the most thorough, comprehensive, and critical survey, to date, of the whole field of public utilities control.

The New York Commission on the Revision of the Public Service Commission Law (the so-called Knight Commission) conducted hearings extending over a period of six months, from July 15, 1929, to January 15, 1930. Evidence was taken under oath from the members and staff of the Public Service Commission of New York, technical experts and advisers, and representatives of regulatory bodies in other states, of municipalities and civic organizations, of utility corporations and of the general public.² The official stenographic report of the hearings covers 5,816 pages³—a veritable storehouse of information. Two valuable reports were published. The first was the *Report to the Commission on Revision of the Public Service Commission Law*, submitted to the commission by its counsel, Col. William J. Donovan, and concerned largely with the data prepared by the research staff under the direction of Dr. William E. Mosher, director of the School of Citizenship and Public Affairs at Syracuse University. The second was the *Report [to the legislature] of Commission on Revision of the Public Service Commission Law, Including Separate Reports of Commissioners and Council*.

Within the limits of this article it is possible to present only the more significant topics upon which the investigation, recommendations of the commission, and legislative action centered. Such significant topics are the following: (1) valuation of public utilities, including a definite

¹ See "Public Utilities Legislation in 1929," in this REVIEW, Feb., 1930.

² State of New York, *Report of Commission on Revision of the Public Service Commission Law*, Legislative Doc. (1930) No. 75.

³ Marshall and Munson, official stenographers, Senate and Assembly, Albany, N.Y.

rate base; (2) jurisdiction of the Public Service Commission over holding companies, service agencies, and other affiliated interests; (3) provision for contracts between the Public Service Commission and the utilities corporations for stabilizing valuation and regulation; (4) creation of a "people's counsel" to represent the public in utilities cases; (5) legislation regarding judicial review, to the end that state regulation may be less interfered with by appeals to federal courts; (6) strengthening the commission through increased financial support for the work of the commission, including research staff and research facilities; and (7) extending the jurisdiction of the commission along many lines, including accounting control, authorization of securities, acquisition of stock, mergers and reorganizations, sub-metering companies, private water companies, small telephone companies, and rural electrification.⁴

The first three topics proved the most controversial. On them, wide differences of opinion were revealed between Governor Roosevelt and the three commissioners appointed by him⁵ on the one side, and the six majority members on the other.⁶

Valuations: With regard to the first topic, the majority of the commission recommended "that all utility properties in the state, except steam railways and street railways, be valued by the Public Service Commission according to the factors prescribed by the law of the land." It appears that to the majority members "factors prescribed by the law of the land" meant the factors recognized as a basis for rate-making in the recent decisions of the Supreme Court of the United States; such decisions having considered "reproduction cost less depreciation . . . a dominant element in fixing the valuation of property 'used and useful in the public service.'"⁸

The minority members presented a plan—the so-called Bonbright plan, or the Bauer-Bonbright plan—which would provide for an initial valuation of all utility properties "as of the date of adoption of the act, taking into account every element properly considered under the

⁴ State of New York, *Report of Commission on Revision of the Public Service Commission Law*, Legislative Doc. (1930) No. 75, pp. 16-49.

⁵ David C. Adie, Frank P. Walsh, and James C. Bonbright.

⁶ John Knight, chairman, Hcrace M. Stone, Joseph A. McGinnis, Warren T. Thayer, William Hickey, and Russell G. Dunmore.

⁷ State of New York, *Report of Commission on Revision of the Public Service Commission Law*, Legislative Doc. (1930) No. 75, p. 16.

⁸ *Ibid.*, p. 337.

law of the land, including actual cost, reproduction cost, general expenditures, depreciation, and any other relevant factor. Such initial valuation, when once determined, should remain unchanged without regard to price fluctuation, cost of construction, or other conditions." Subsequent additions to the property should be entered into the accounts of the company at "reasonable cost," thus giving the commission a definite and ascertainable rate base at all times, subject to accounting control. Such a plan would at least approximate the "prudent investment" basis of rate control,⁹ which would give utility companies the right to charge rates sufficient to pay a fair and reasonable return on the money which the investors actually put into the property. It was referred to by the newspapers as the "frozen value" plan.¹⁰

Early in the hearings before the legislature it appeared certain that the "frozen value" plan of the minority had no chance of passage. The majority bill providing for the valuation of all utility property was attacked by the Democratic minority not only as a futile gesture, being divorced from the companion bill providing for the "freezing" of the present valuation, but also by representatives of utility corporations who declared that such a valuation would be a useless burden to the utilities, to the consumers, and to the taxpayers—useless since "few gas or electric companies yield a reasonable return to the limit allowed by Supreme Court decisions upon present value. Rates are not as high and will not be as high as would be permissible."¹¹ Late in the session, opposition to the bill developed among some of the leading Republican senators, so that Senator Knight and his commission, "in order to get the bill passed, were compelled to amend it so as to provide for valuation only where a rate case was pending."¹² The bill was ultimately vetoed by the governor. He considered that it tended "to perpetuate a system of regulation which does not regulate." "The present breakdown of regulation," he said, "cannot be corrected without laws which make possible the fixing of a definite rate base, determinable by definite rules of policy and of accounting rather than of guesswork. The only solution is to get on an actual cost basis."¹³

⁹ *Ibid.*, pp. 17, 250-251, 412.

¹⁰ *New York Times*, April 4, 1930.

¹¹ Mr. W. L. Ransom, representing the Long Island Lighting Co. and the Brooklyn Borough Gas Company, quoted in *New York Times*, April 1, 1930.

¹² *New York Times*, April 19, 1930.

¹³ *Ibid.*, April 27, 1930.

Notwithstanding his veto of the valuation bill, the governor signed an act appropriating an additional \$300,000 for the Public Service Commission, "to be used to defray the expense of a state-wide valuation [in 1930-31] of all the properties in the state actually used in the public service by the utility companies whose rates, charges, price, or rentals are subject to the control of the Public Service Commission."¹⁴ The governor stated that he approved the bill in order "to permit the Public Service Commission to have a contingent fund out of which necessary investigations as to property values may be used in case a large and important rate case is announced."¹⁵

Holding Companies. With regard to control of holding companies and transactions between affiliated interests, the majority of the commission recommended provisions which were enacted into law by the legislature.¹⁶ The Public Service Commission and the Transit Commission were given "jurisdiction over holders of the voting capital stock of all public utility companies under the jurisdiction of the commission to such an extent as may . . . require the disclosure of the identity of every owner of any substantial interest in such voting capital stocks."¹⁷ The commission was furthermore given jurisdiction over "affiliated interests . . . having transactions with utility corporations . . . to the extent of access to all accounts and records of such affiliated interests relating to such transactions."¹⁸ It was provided further that management, construction, and engineering contracts, to be effective, must first be filed with the commission, and that "if it be found that any such contract is not in the public interest, the commission . . . is hereby authorized to disapprove such contract."¹⁹

The minority members of the commission recommended that "every such contract shall require the approval of the commission before it becomes effective."²⁰ Governor Roosevelt, while signing the bill, pointed out what he considered its weaknesses. "Contracts," he said, "need only to be filed with the commission. It does provide that the

¹⁴ New York, *Laws*, 1930, Chap. 831.

¹⁵ *New York Times*, April 28, 1930.

¹⁶ State of New York, *Report of Commission on Revision of the Public Service Commission Law*, Legislative Doc. (1932) No. 75, pp. 26-27.

¹⁷ New York, *Laws*, 1930, Chap. 760, Sec. 1.

¹⁸ *Ibid.*, Sec. 2.

¹⁹ *Ibid.*, Sec. 3.

²⁰ State of New York, *Report of Commission on Revision of the Public Service Commission Law*, Legislative Doc. (1932) No. 75, p. 420.

Public Service Commission may disapprove the contract, but nothing is said about the result of such disapproval." The governor called attention to the failure of the legislation to regulate the issues of securities of holding companies as suggested in the report of the council to the commission.²¹ The governor believes that without power over holding companies "regulatory statutes are without teeth," and that "there can be no effective control of holding companies unless the Public Service Commission be given control over the securities of such companies."²² Publicity with regard to the control of holding companies over operating companies was in part provided for by an act of the legislature requiring utility corporations to state, in their annual reports to the Public Service Commission, "the name and address of, and the number of shares held by, each holder of one per centum or more of the voting capital of the reporting company."²³

Contracts. The commission recommended "that the Public Service Commission be authorized to enter into contracts with utility corporations for the stabilization of valuation and regulation through accounting control for a period not exceeding ten years."²⁴ The plan, as explained by Col. Donovan, was as follows: "Basic valuation and rate of return thereon shall be agreed upon between the Public Service Commission and representatives of all the utilities operating in New York State . . . such agreements shall be written into contracts which are to be filed with the legislature."²⁵

The minority of the commission recommended the contract plan as part and parcel of their rate basis provision, including as an essential the "frozen value" plan. They would have the commission enter into compulsory contracts with individual companies, "fixing by agreement definite initial valuations and accepting a system of rate-making in conformity with the mandatory plan."²⁶ Even the majority proposal was also vigorously opposed by representatives of the utilities.²⁷ The "contract" bill finally passed by the legislature eliminated the Public Service Commission as a party to the contract and "merely

²¹ *Ibid.*, pp. 145-146.

²² *New York Times*, April 25, 1930.

²³ *New York, Laws*, 1930, Chap. 761.

²⁴ State of New York, *Report of Commission on Revision of the Public Service Commission Law*, Legislative Doc. (1930) No. 75, p. 7.

²⁵ *Ibid.*, p. 101.

²⁶ *Ibid.*, p. 419.

²⁷ *New York Times*, April 1, 1930.

extended to the other utility corporations the provision in the present law under which, since 1922, municipalities had been making contracts with street railway corporations.²⁸ The measure was vetoed by the governor on the ground that it was "a useless piece of paper" and that "it offers the consumer of electric current and the user of telephones no protection which he does not already enjoy under the present law."²⁹

People's Counsel. The commission recommended that "a people's counsel be appointed as a deputy attorney-general" whose exclusive duty would be to advance "the public interests in utility matters, and further that he have the coöperation of the Public Service Commission and its staff in such investigations as he may see fit to carry on."³⁰ The bill was opposed by the Mayors' Conference on the ground that "there would be no end to the conflict between that department and the Public Service Commission; . . . and that the office should be part of the Public Service Commission organization."³¹ The governor's veto memorandum stated, in addition to the above mentioned reasons, that the bill was "based upon a fundamentally false conception of the proper function of a public service commission. . . . It is not, and never has been, merely a court. It is rather intended to represent the public interest. . . . The duty and function of the Public Service Commission can never remain in doubt. It can never be transferred to an individual as a counsel."³²

Judicial Review. The revision commission recommended that the legislature by resolution call upon Congress to "so amend the judicial code as to leave to the state courts the determination of the local problems involved in rate cases."³³ The legislature acted affirmatively on the recommendation. The commission, although recognizing that the "real remedy for the present situation lies in congressional action,"³⁴ presented a plan, ultimately enacted into law,³⁵ which appears to offer

²⁸ *Ibid.*, April 19, 1930.

²⁹ *Ibid.*, April 28, 1930.

³⁰ State of New York, *Report of Commission on Revision of the Public Service Commission Law*, Legislative Doc. (1930) No. 75, p. 31.

³¹ *New York Times*, April 18, 1930.

³² *Ibid.*, April 18, 1930.

³³ State of New York, *Report of Commission on Revision of the Public Service Commission Law*, Legislative Doc. (1930) No. 75, p. 28.

³⁴ *New York Times*, April 26, 1930.

³⁵ *New York Laws*, 1930, Chap. 773.

the state the full advantage of the provisions of the United States judicial code, sec. 266. This section "permits action of a state court to take precedence over an interlocutory injunction in a federal court under certain conditions." The legislation provides, in substance, "that whenever a suit for an interlocutory injunction shall have been begun in a federal district court to restrain an order of the commission, the commission may bring suit to enforce its order in the appellate division or some statutory judicial body at any time before the hearing on the application for an interlocutory injunction." It provides, further, "for a mandatory stay of the enforcement of the commission order pending the determination of the suit in the appellate division, and . . . for sending a notice to the federal district court in which action was originally begun for giving preference to the action of the appellate division and for appeal to the court of appeals."³⁶ In signing the bill, Governor Roosevelt expressed his conviction that federal legislation to prevent utility corporations from thwarting state regulation is essential. "The present futility," he said, "of attempting proper control of public service corporations is emphasized under a system where the corporations can, by rushing into the federal courts, substitute for the Public Service Commission an uninformed master. In the meantime, and until Congress acts upon the recommendation of the legislature, this bill may offer some relief. . . ."³⁷

Strengthening the Department of Public Service. Following the advice of the revision commission, the legislature appropriated the sum of \$215,800 "for additional personal service, maintenance and operation in the department of public service."³⁸ Out of this sum, \$25,800 was designated for a bureau of research and valuation consisting of six members (chief's salary, \$9,000); \$6,900 for two engineers to assist in rural electrification; \$19,200 for seven motor vehicle inspectors; and \$62,200 for 48 additional members of the general staff. The members of the bureau of valuation and research are appointed by the Public Service Commission, and work under its direction in making "an intensive study and investigation of cost of service, cost accounting, rate schedules, including equalization of rates between different classes of

³⁶ *Ibid.*, Sec. 2. For the quotation, see report of William J. Donovan, counsel, in *Report of Commission on Revision of the Public Service Commission Law*, p. 69.

³⁷ *New York Times*, April 26, 1930.

³⁸ *New York Laws*, 1930, Chap. 675.

consumers, of public utility companies subject to the jurisdiction of the commission; investigating efficiency in the management and operation of agencies of the public service and measures and standards of efficiency; conduct the work of valuation and revaluation to the end that such valuations may be kept reasonably up to date.³⁹

Jurisdiction of the Commission. The accounting control of the commission over operating companies was somewhat strengthened by placing the burden of proof upon the reporting utility for the correctness of the accounts in which outlays and receipts have been entered.⁴⁰ The control of the commission was strengthened in regard to issuance and sale of securities of gas and electric corporations.⁴¹ The legislature, however, failed to adopt the revision commission's recommendation relative to extending the control of the commission over short-term loans of amounts in excess of five per cent of the outstanding securities.

The actual legislation resulting from the most thorough consideration of utility problems yet undertaken by an American state legislature was somewhat disappointing, even to the majority members of the Knight Commission; and Governor Roosevelt and the minority members considered a major portion of the legislation to be of little value, since the legislature ignored such fundamentals as controlling the financing of holding companies, establishing a definite and ascertainable rate base, and granting municipalities the legal right to own and operate utilities, which, according to Governor Roosevelt, "would provide the keen spur of competition so necessary to induce the privately owned utilities to accept effective regulation."⁴² In comparison with the status of utility control in a majority of the American states, however, it seems fair to conclude that New York State in 1930 made progress toward strengthening the position of the public in the field of public-utility state regulation.

The Massachusetts Special Commission. Public utility legislation in Massachusetts in 1930 was based largely upon the findings and recommendations of the Special Commission on Control and Conduct of Public Utilities appointed under a resolve passed by the 1929 legislature.⁴³

³⁹ New York, *Laws*, 1930, Chap. 850.

⁴⁰ *Ibid.*, Chaps. 776, 777, 778.

⁴¹ *Ibid.*, Chap. 780.

⁴² *New York Times*, April 26, 1930.

⁴³ Massachusetts, *Acts and Resolves*, 1929, Chap. 55.

The commission was expressly authorized to investigate the "control and affiliations of gas and electric companies and matters incidental thereto" and the conduct of municipal lighting plants and their relations, contractual and otherwise, with private companies.⁴⁴

The report contains significant data on holding companies, consolidations and mergers, foreign control of gas and electric companies, management and other contracts, influence of banking support, rates and rate base, public and private ownership, and establishment and sale of municipal plants. The commission recommended to the legislature ten bills: (1) to bring the securities of holding companies under the operation of the sale of securities act; (2) to authorize the Public Utilities Commission to examine the books and papers of holding companies and affiliated organizations and to require such holding companies to furnish information; (3) to require the inclusion in the annual returns of gas and electric companies of information disclosing any "affiliation with any other public utility, holding company, partnership trust, voluntary association or corporation, which has any business relations or dealings with the company making the return . . . ; contracts and loans involved in such inter-company relations;" (4) to extend the power of the Department of Public Utilities to approve contracts of gas and electric companies for the purchase of gas and electricity so that the law is extended to cover contracts for the purchase of gas, and in case of both gas and electricity the law applies to all contracts for over one year; (5) to provide for the approval by the Department of Public Utilities in contracts of gas and electric companies for service; (6) to give the Department of Public Utilities the unquestioned power to compel a gas or electric company dealing in bulk supplies to supply at reasonable rates any operating company or municipality desiring to purchase; (7) to require companies selling electricity only in bulk to file schedules of rates with the department; (8) to revise the law relative to the establishment or purchase of municipal lighting plants, in order that the Department of Public Utilities may have final determination as to the property to be taken and the price to be paid for it; and to leave to the discretion of the department whether both gas and electric properties should be purchased in case both are owned by the selling company; (9) to require the approval of the Department of Public Utilities before any municipi-

⁴⁴ Massachusetts, *Report of Special Commission on Control and Conduct of Public Utilities*, p. 10.

pal plant is sold; and (10) to provide for the printing and publication of annual orders, reports, and decisions of the department in sufficient numbers to be available for public distribution.⁴⁶

Massachusetts Legislation. The legislature enacted in substance five of the above laws recommended by the commission (2, 4, 5, 6, and 9).⁴⁶ The remaining five for the most part failed of passage, because the legislature was unwilling to put them into a form acceptable to the Department of Public Utilities.

Massachusetts legislation now takes a more advanced position in utility control in the following aspects: (1) Examination of books, contracts, records, etc., of companies and affiliated companies with respect to inter-company relations was authorized. "Affiliated companies is defined as any company having control, directly or indirectly, over the operating company, or any company "standing in such a relation to a company subject to this chapter that there is an absence of equal bargaining power between the corporation . . . and the company so subject in respect to their dealings and transactions."⁴⁷ (2) No gas or electric company may enter into a contract for the purchase of gas or electricity covering a period in excess of two years without the approval of the Department of Public Utilities, unless such contract contains a provision subjecting the price to be paid to review and determination by the department.⁴⁸ (3) No contract may be entered into by a gas or electric company for a period exceeding two years, relative to services to be rendered by an affiliated company without approval of the Department of Public Utilities, unless such contract retains a provision subjecting the amount of compensation to review and determination by the department. "And if it appears that the amount agreed on is excessive, the department may declare the said contract to be terminated forthwith, even if no bad faith be found."⁴⁹ (4) Municipal ownership was somewhat strengthened by the provision that a municipal lighting plant could not be sold without the approval of the Department of Public Utilities, which is to be given only when it has determined "that the facilities for furnishing and

⁴⁶ Massachusetts, *Report of the Special Commission on Control and Conduct of Public Utilities*, pp. 83-84.

⁴⁷ Massachusetts, *Acts and Resolves*, 1930, Chaps. 395, 342, 396, 383, and 369.

⁴⁸ Massachusetts, *Acts and Resolves*, 1930, Chap. 395.

⁴⁹ *Ibid.*, Chap. 342.

⁵⁰ *Ibid.*, Chap. 396.

distributing gas and electricity in the territory served by such plant will not thereby be diminished, and that such sale and the terms thereof are consistent with the public interest."⁵⁰

The bill suggested by the special commission and sponsored by the Department of Public Utilities which had for its purpose facilitating the purchase of electric light and gas systems by municipalities was so modified in committee as to be unsatisfactory to the department, and was dropped.

The five laws which finally came from the legislative mill seem rather insignificant in comparison with the program presented in the report. The most outstanding problems still facing Massachusetts in the field of public utility control seem to be: (1) maintenance of the so-called "prudent investment" theory of valuation; (2) more effective control of holding companies; and (3) removal of legal handicaps to municipal ownership and operation of electric and gas plants.

Rhode Island. The Rhode Island legislature passed an act placing taxicabs under the jurisdiction of the Public Utility Commission. "Taxicab" was defined as "any motor vehicle for hire designed to carry seven persons or less, operated upon any street or highway or on call or demand accepting or soliciting passengers indiscriminately for transportation for hire between such points . . . as may be directed by the passenger or passengers." A person, association, or corporation owning or operating taxicabs is declared to be a common carrier; and the commission is given authority "to prescribe adequate service and reasonable maximum rates and establish such reasonable rules and regulations with respect to fares, service, operation, and equipment as said commission may deem necessary. . . ." No taxicab may be operated without a "certificate of convenience and necessity" from the Public Utility Commission.⁵¹

Vermont. "An act conferring upon the public service commission jurisdiction over holding companies" was considered by both houses of the Vermont legislature, but failed of passage during the closing days of their session. The alleged reason for the failure was the lack of time for adequate consideration. The bill required holding companies to make annual reports to the commission on forms prescribed by it, "including full detail as to property, products, or services exchanged between controlled companies and the revenues and expenses

⁵⁰ *Ibid.*, Chap. 369.

⁵¹ Rhode Island, *Public Laws*, 1930, Chap. 1552.

relating thereto." The bill provided, further, for investigation by the commission of the relationship between holding companies and operating companies, to the end that activities of holding companies in relation to operating companies "may be made a matter of public record."⁵² It is worthy of note that with no staff and a very small appropriation, the Vermont commission would have been in no position to make effective the general provisions of the bill.

Kentucky. Two bills were introduced in the Kentucky legislature relative to creating a public utilities commission. One provided for the abolition of the present railway commission and for vesting its powers in a public utilities commission.⁵³ The second provided, not for abolition of the railway commission, but for the transfer of its powers to a public service commission, except such as relate to steam railways.⁵⁴ Both bills provided for the abolition of the office of commissioner of motor transportation and for the transferring of its powers and duties to the public service commission. Neither bill was passed.

ORREN C. HORMELL.

Bowdoin College.

The Passing of Alien Suffrage. For the first time in over a hundred years, a national election was held in 1928 in which no alien in any state had the right to cast a vote for a candidate for any office—national, state, or local. Because of a reversal of opinion by the state supreme court, alien suffrage in Arkansas became illegal in 1926, and the last vestige of this political anomaly passed from our election system, doubtless never to return.

During the nineteenth century, the laws and constitutions of at least twenty-two states and territories granted aliens the right to vote. This tendency reached its greatest extent about 1875. Even before then it had begun to recede. In the following decades a steady decline set in. The last state constitutions to grant aliens who had declared their intention to become citizens the full right of suffrage were those of the two Dakotas in 1889.

The movement to withdraw the right began with Illinois in 1848. At the opening of the present century, only one-half the original number, or eleven states, continued to grant this right. Prior to our

⁵² Vermont, *Senate Docs.*, 1929, pp. 205-206.

⁵³ Kentucky Legislature, *House Bill* No. 361.

⁵⁴ Kentucky Legislature, *House Bill* No. 391.

entrance into the World War, four of these withdrew the right by constitutional amendment—Alabama in 1901, Colorado in 1902, Wisconsin in 1908, and Oregon in 1914. In 1918, Kansas, Nebraska, and South Dakota adopted amendments limiting the suffrage to citizens of the United States, and Texas, by statute, barred aliens from voting at primary elections. In 1921, Indiana and Texas, and in 1924, Missouri, abolished alien suffrage by amending their constitutions. Aliens still had the right to vote in only the one state of Arkansas.

The longer survival of alien suffrage in Arkansas was not due to favorable popular sentiment. The opinion of the electorate, so far as disclosed by the votes cast, was very much more strongly opposed in Arkansas than in either Texas or Missouri.¹ The real reason was a conservative provision in the amending section of the state constitution, buttressed by a similar decision by the supreme court.

In 1919, the legislature of Arkansas provided for submission to the people, at the general election of 1920, of a constitutional amendment taking from aliens the right to vote. This amendment received a large majority of the votes cast thereon, namely, 87,237 in the affirmative and 49,757 in the negative. But the amending section of the original constitution of the state provided that, in order to become a part of the constitution, an amendment submitted by the legislature must be approved by "a majority of the electors voting at such election." The votes for the amendment in question, while a majority of those cast thereon, fell short of being a majority of the total of 190,113 votes cast at the election. Hence, after canvassing the vote "in the presence of both houses of the General Assembly," the speaker declared the amendment lost. And thus the matter stood for over five years, until the amendment was resuscitated and made a part of the constitution by the following complete "about face" by the supreme court.²

In 1910, the people of Arkansas adopted an initiative and referendum amendment to the state constitution. The right to initiate measures extended to constitutional amendments as well as statutes. This amendment also contained the following provision: "Any measure referred to the people shall take effect and become a law when it is

¹ The vote in Texas was 57,622 to 53,910; in Missouri, 175,580 to 152,713.

² This is no doubt the reason why all the latest and most authoritative works on our government continue to state that Arkansas permits aliens to vote. The resurrection of the amendment after the lapse of years is so unique that it is small wonder that it has escaped the attention of careful writers and investigators.

approved by a majority of the votes cast thereon, and not otherwise." A conservative decision rendered by the state supreme court in 1915 held that this provision did not apply to constitutional amendments, and that any amendment, even those proposed by initiative petition instead of by the legislature, must receive a majority of the votes of all the electors voting at the election in order to be adopted.³

For a decade this decision determined the law of the constitution on this point and was faithfully applied. In 1925, however, the court reversed its earlier decision in part, and held that an amendment proposed by the initiative was legally adopted when approved by a majority of the votes cast thereon.⁴ This decision was followed on April 12, 1926, by another that completely reversed the original opinion.⁵ The court now held that the provision of the 1910 amendment not only applied to amendments proposed by the initiative, but superseded the provision of the original constitution, and "meant that all constitutional measures, whether submitted by the legislature or directly by the people, . . . should take effect when approved by a majority of the votes cast thereon."

Two weeks later, the secretary of state requested an official opinion from the attorney-general as to whether the amendment denying the right of suffrage to aliens "was legally adopted and is now in full force and effect." This was rendered on the same day, and closed as follows: "It is therefore my opinion that the amendment . . . became a part of the constitution of the state of Arkansas on November 2, 1920, and is now a part of the constitution."⁶

LEON E. AYLSWORTH.

University of Nebraska.

The Make-up of a State Legislature. Herewith is presented a brief analysis of the personnel of the lower branch of the Kentucky legislature which met in January, 1930.

The political complexion of this particular Assembly was 66 Democrats and 34 Republicans, while the Senate had 24 Democrats and 14 Republicans. This is, however, not a fair indication of the political complexion of the state. For example, in the last fourteen years the

³ *Hildreth v. Taylor*, 117 Ark. 465; 175 S. W. 40.

⁴ *Brickhouse v. Hill*, 116 Ark. 513; 263 S. W. 865.

⁵ *Combs v. Gray*, 281 S. W. 918.

⁶ *Biennial Report of the Secretary of State, 1925-1926*, pp. 223-227.

state has had two Republican governors and two democratic governors. During the same time, it has had one Republican in the United States Senate all of the time, and two for a part of the time. In 1920, Cox carried the state over Harding by a bare 4,000 majority, and a Republican candidate for senator defeated his Democratic opponent by a margin of 5,000. In 1924, Coolidge carried the state by 24,000 plurality in the presidential race, while in 1928 it went Republican by 177,000 plurality. The cause of the one-sidedness in Assembly membership is a very clever gerrymander. Whereas it takes an average of 26,000 people to make a Republican legislative district, only 20,000 are required for a Democratic district. In the Senate, the ratio is 50,000 to 73,000.

The method used in gathering the data for this article was very simple. A questionnaire was prepared and sent to each assemblyman in which he was asked to give the following data: (1) name; (2) address; (3) party affiliation; (4) education; (5) age; (6) married or single; (7) church affiliation; (8) fraternal orders; (9) luncheon clubs; (10) platform upon which he ran; (11) previous office held; and (12) previous legislative experience. Each question was phrased as simply as possible, and ample space was allowed for the answers.

There are some discrepancies in the results, due to the fact that some members did not answer all of the questions. However, the data are more than ninety per cent complete, and therefore adequate to give a fairly true picture of the group.

The first amazing discovery was that the median age of the body was 48 years—only four years less than that of the Senate. Eighty-six members were married, and 13 reported themselves single. One reported that he was a widower.

Only 95 reported their occupations. Of the number, 33 were farmers, 18 lawyers, eight merchants, five physicians, three newspaper men, three realtors, and three insurance men. The balance consisted of one or two of each of the following: contractor, barber, farmer-railway, clerk-teacher, live-stock dealer, minister-teacher, minister, railroad engineman, automobile dealer, farmer-timber dealer, miller, banker, banker-farmer, and railroad brakeman. Thus more than one-third were farmers, while four others gave farming as one of their varied occupations. Altogether, the farmer element made up 40 per cent of those reporting, while the lawyers were second with 20 per cent. The so-called business man was not very well represented, the proportion

being less than 15 per cent. Of the professions other than lawyers, there was almost no representation, unless the newspaper men be thus classified. However, the 25 per cent outside of the three classes referred to seem to make up a very fair cross-section of society, with almost all of the common occupations and professions represented.

Of decided interest is the previous preparation of the members for their job. In the matter of education, 52 per cent laid claim to some high school training, while the education of 48 per cent was limited to some training in the lower grades. The writer recently had occasion to examine 50 applicants for firemen in a city of 60,000 people. The percentage of high school graduates applying was higher than the legislature's percentage in the same state. There were, however, 16 graduates of standard colleges, and 20 others claimed to have had some college or other special training in business schools or normal schools; one had attended a theological seminary. Thus, nearly 40 per cent laid claim to some college training. I have no comparable data on legislatures in other states, and am therefore unable to determine whether this is a high, low, or average record for educational qualifications. The fact that it appears to be on about the same level as that of police applicants indicates that, absolutely if not relatively, it is low.

If we are astonished at the showing as to educational qualifications, a greater surprise is in store when we examine the training of the members for the work that they were expected to perform, namely, the production of a fat volume of statutes for the state. From the reports made, 65 per cent never before sat in a legislature; and of the 35 per cent who had some experience as legislators, more than half had had only one term, which means 60 days, of such experience. Not only had 65 per cent had no legislative experience, but more than 50 per cent had never previously held any sort of office; and when the kinds of public office previously held were looked into, it appeared that the majority had held only such offices as school trustee, membership in a board of education, and justice of the peace. A few had served in town councils, but only six had held any major office. There were one ex-congressman, two circuit court clerks, and three county judges.

The charge is sometimes heard that legislatures are made up largely of gangs of politicians. The facts in the present case do not warrant such a conclusion. On the contrary, the body examined was a group of rank amateurs, and poorly educated amateurs at that.

In the matter of fraternal orders, the members seemed to be almost unanimous joiners. Eighty per cent belonged to some such order. The Masonic fraternity alone could claim 50 per cent, while some reported membership in as many as five secret orders, the Ku Klux Klan not being mentioned. On the other hand, the Rotarians and Kiwanians were conspicuous by their absence. Only 10 per cent claimed membership in these mid-day oratorical societies. As might be expected, this percentage closely parallels the percentage of so-called business men found in the body.

Perhaps the most surprising discovery related to the matter of platforms. Only 16 of the hundred ran on a platform other than "honesty." Some of these 16 had several planks in their platform. But at that the platform range was exceedingly narrow. Eight advocated good roads; seven, better schools; four, lower taxes; four took a position for or against free textbooks; and one wanted lower automobile taxes. One deduces that issues play a much smaller part in elections than is generally supposed. The voter does not seem to vote for issues, but for men. He does not tie the hands of his representative by pledges on issues.

A few contrasts and comparisons with the Senate are of interest. The senators were, on the average, only four years older than the house. Seventy-five per cent of them had been to college, and 50 per cent were college graduates. Exactly 50 per cent were lawyers, as against 20 per cent in the Assembly. Nearly all had some previous experience in public office. Many had several years of legislative experience. Whereas the Assembly was dominated by farmers, the Senate was dominated by lawyers, the farmers, however, running second.

In summary, the personnel of the lower house of one of the sovereign states of the Union in the year 1930 presents the following picture: (1) the legislature is made up of mature men, responsible heads of families; (2) the lower house is amateurish and without experience; (3) it has meagre educational training; (4) it has the odor of the corn field, nevertheless is apparently dominated by the legal profession; (5) the boys all join something before they go forth to proclaim the faith of the fathers.

J. CATRON JONES.

University of Kentucky.

NOTES ON ADMINISTRATION

EDITED BY LEONARD D. WHITE
University of Chicago

The Present Status of the Study of Public Administration in the United States. The annual review of public administration in the issue of the *Review* for May, 1930, prepared by Professor Leonard D. White, of the University of Chicago, referred to a study of research in this field then being carried on for the Advisory Committee on Public Administration of the Social Science Research Council. The resulting report was submitted by the present writer to the committee in October, 1930. An abstract of it, which may also serve in a partial way as a review of the developments in this field since the preparation of Professor White's article, is presented herewith. It is necessary to omit any extended enumeration of the details presented in the report, and to concentrate upon the statement of general tendencies and objectives.

The present status of research and study in this field in the United States is one of much interest and importance. On the surface, this is due to the great extension of public services, and the changed nature of governmental activities reflected in the greatly widened discretion given the administrative agencies. In order to permit the government to function effectively, the legislature has been led to confer broad powers on officials for applying general policies in specific cases. This adds greatly to the importance of questions of organization, personnel, procedure, and control. These developments, of course, only mirror more fundamental social changes inherent in the relation of the individual to the many social institutions which have evolved during the past two hundred years.

In any attempt to present an adequate historical introduction to this subject, one is at once struck by an outstanding need which the political scientist must be first to supply. We must all be impressed with the fumbling and uncertainty that mark our political activity when confronted by the challenge of the present economic depression. There are many competent persons with ideas and programs adapted to the situation in some measure; but the public mind is, and the bulk of our public leaders are, handicapped by a lack of civic tradition, and of

any sense of the historical continuity of our administrative developments. Very little work has been done by the political scientist in reappraising our administrative history. He has failed to analyze calmly our administrative failures and the resulting social wastage; but even more has he failed to supply writers, journalists, and public leaders—let alone our college students—with any sense of the richness of administrative pioneering and achievement. A great opportunity for those who would develop a more adequate civic attitude exists in the richly varied materials, revealing the numerous local, regional, state, and national administrative achievements and leaders in public service and civic work generally. The new *Dictionary of American Biography* will be helpful here; but there is a great opportunity for including some emphasis upon this aspect of our studies in every university center, and in the programs of many civic organizations.

It is indeed probable that with our journalistic interest in the lurid scandals that occur (only occasionally diverted into a means for creative and revealing scholarship in such studies as *Chapters of Erie*, by Charles and Henry Adams) we have acquired an inhibiting sense of inferiority that is bad for us and for our students. For there is much from which to take courage and inspiration in the development of public administration in this country.

Certain phases, each worthy of extensive treatment, are to be discerned. The earlier tradition was that of a governing class that, on the whole, had a strong sense of its responsibilities. By 1840 the rise of factories and growth of cities made an extension of governmental services necessary, and these services required a more extended training for their proper operation. This movement, however, coincided with the extension of the suffrage, greatly increased immigration (with resulting cultural problems), and the growing pains of the new party system. The older governing class was toppling under the pressure of the West and new forces in the East. It is significant that in the decade 1850-60 the first steps toward a national recognition of the need for trained administrators—voiced, interestingly enough, by Secretary of State Marcy—came at the precise time that Macaulay and Trevelyan were instituting a plan in Britain instigated in part by recognition of the needs of the governance of India.

But the Civil War not only cut athwart these beginnings (to be noted in several states also); it exacerbated the problem because of the new political alliances as well as administrative problems. One can trace

in early writings of Henry Adams the effort to revive the movement for administrative reconstruction. By 1880 it took a form that was moral and political; its objective was a purging of the parties. The assassination of Garfield dramatized this; and the subsequent passage of the Pendleton Act was followed by similar legislation in a few states.

The later threads which, woven together, make up the present texture of the movement are varied. There is the pressure for new social services that came from civic leaders in the cities during the nineties, requiring trained administrators in social work, education, parks, and other services to meet the needs of the "city wilderness" that was replacing the old frontier. There was the movement instituted by Frederick Taylor, first in the efficient use of tools, then widening as its implications were seen by the founder and others to include a scientific attitude toward the whole field of management and personnel relations; and there was the rise of such organizations as the National Municipal League and the American Political Science Association, which marked a recognition of a certain coming of age of American political institutions and of a substitution of critical examination for assured optimism.

Reflecting this atmosphere, the founders of the New York Bureau of Municipal Research in 1906 provided for the application of trained intelligence to the problems of city government. From this institution, influences radiated in the establishment of many similar institutions in all parts of the country, in the training of men to enter this field, and in the establishment of administrative surveys and survey staffs at Washington and in many states and cities. Results were often delayed; but substantial progress was made during the decade following the establishment of the New York Bureau, until another war brought successive shocks to the movement.

This time, however, there were influences which could be turned to good account. It was early discovered that modern war requires the regimentation of all national resources and institutions; and this requires skilled management. Hence the emphasis upon the development of employment management of tests for predicting officer material, of central planning, of sound budgeting. Consequently, the past decade, despite the more sensational scandals, has seen a steady and quiet development of the field of public administration that would have seemed impossible thirty years ago. Nor can we omit the rise of

great functional organizations in industry and commerce that are attacking some aspects of administrative problems, or the development of national as well as local civic associations interested in some phase of the public services.

The agencies and movements which have emerged from the developments here set forth so briefly must operate under certain conditions peculiar to this country, and of which we must take account. Our constitutional system, with its separation and division of powers, invites extra-legal associations for coördination and the fixing of standards common to all units of government. Time-space relations, changing with technology, have given us new units in the metropolitan area and the geographic region; the spoils system and the philosophy of *laissez faire* have given us supplementary public services in our social welfare and other organizations, as well as our bureaus of governmental research; our state and urban universities have supplied research facilities for many government services; while the rise of our great professional schools and organizations has helped to fill our higher promotional posts with trained technicians rather than a general "administrative class" after the British fashion. Finally, one important factor is in considerable part now eliminated. The successive invasions of immigrants have come to an end, the free lands are gone, and a period of physical stability which seems to lie ahead offers an opportunity for taking stock and planning under more static conditions.

Staff, Regulatory, and Advisory Agencies. It is useful to divide administrative machinery into the staff services, established to secure a better functioning of all the administrative departments and thus cross-sectioning them in operation, and the line or functional services charged with administering the health, public works, or other tasks undertaken by the public. The study of public administration is, indeed, sometimes construed as relating only to staff services; but this omits the important work being done by persons primarily concerned with the development of some functional policy and interested, therefore, in the problems of organization, personnel, and procedure of such a function. Nor should we omit in our study the problem of legislative-administrative relations, in view of the increasing rôle of the public servant in the determination of policy, through either the preparation of legislation or the making of rules under which general legislative policy is given meaning and application.

This latter aspect of administration has been unduly neglected. For

twenty years the movement for administrative reorganization has proceeded upon the assumption that a centralized and responsible executive would supply a more effective political leadership also. But we are probably ready for a critical examination of our experience on this point, as well as a more extended inquiry into the intricate question of relationship between representatives of "pressure groups" (now being studied), the political heads, legislative committees, and permanent civil servants or semi-judicial administrative commissions. The older controversy over the "presidential v. the cabinet system" may perhaps be resolved in new forms with some promise of new insight into these questions in the future. Two points may here be indicated. The legislative reference library and bill-drafting service have developed in many states since the establishment by Charles McCarthy of the Wisconsin Legislative Reference Library; and some research, and the application of much research by others, now characterizes these agencies. Within the past year, too, the American Legislators' Association, drawing its membership from state legislatures and organized about functional committees upon which men of experience from without the legislatures sit also, has established headquarters adjacent to the University of Chicago, and it now plans to establish a nation-wide supplementary legislative reference service.

But it is chiefly in the staff services directly under the executive that most progress has come. The United States Civil Service Commission now possesses a special research division; the Personnel Classification Board has completed its study of the field services; while in the state and local personnel administration offices the conducting of studies of examination, promotion, and procedure goes steadily forward. This movement is fostered and facilitated by the Bureau of Public Personnel Administration, a national staff for the Civil Service Assembly of the United States and Canada. Within the federal government, as well as within state and local governments also, in certain larger functional departments special administrative staffs have been established. Characteristic of this are the Army War College, or the training school for the Foreign Service, or the research staffs of state education departments. Similarly, within fifteen years the growth of budget staffs and central purchasing staffs has been remarkable. The latter are nationally organized in an association, and it is possible that the budget officers will also achieve some national organization in the near future. The studies by A. E. Buck and Russell Forbes

report these developments in detail; while the current issues of *Public Personnel Studies* report the field of civil service administration in general. The work of the many special training schools or research staffs, however, is not generally known or appreciated, and is to be known only by a study of many professional journals and departmental reports.

There is some tendency for these services to be grouped within a general department of administrative control. This is approached, for example, in Ohio, Minnesota, Massachusetts, Wisconsin, and certain other states and cities, and such a department has been recommended for the national government. It is possible that greater impetus may be given this development if and when some more adequate solution of the relationship of such a powerful control agency with the legislature is found.

The rise of these important staff agencies has more recently been accompanied by the development of departments of the federal government—and to a lesser degree state governments—through which grants-in-aid are administered or advice and research made available to other governmental units or officials. This movement has much significance. The federal system is reported by Austin MacDonald in his *Federal Grants in Aid*, and is studied in some detail for health in Robert D. Leigh's *Federal Health Administration*. The Children's Bureau, for example, has conducted many research studies in the operation of state and local welfare departments, upon the invitation of the departments; the Public Health Service holds annual conferences with state and local officials, and publishes their proceedings and papers; while the work of the Bureau of Standards offers to many departments research facilities of many kinds. A comprehensive account of the services available to local governments maintained by the national government would reveal how extensive a development we have here in the study of public administration within the government itself.

Public Servant and Civic Organizations. The reference above to the effect of the division of powers in our constitutional system upon extra-legal organizations is readily documented by the development of the many associations of civil servants based upon functional interest. The annual sessions of these are sometimes reported in supplements to the regular columns of the *United States Daily*. Some of them are affiliated with civic associations in the same field of interest; the American Public Health Association is illustrative of this.

Others enroll only department heads, such as utility commissioners, or technicians, such as highway engineers. Increasingly their emphasis is upon the pooling of experience and the establishment of standards of administration. Thus the American Association of Social Workers is attempting to enforce, through its qualifications for membership, higher standards in its field in communities where personnel work in the governmental service is inadequate; the International Association of Chiefs of Police, in collaboration with experienced staff members of governmental research bureaus, prepared a plan for reporting crime statistics, and within the year has been able to get the task of collecting and publishing these statistics each month placed by law in the Department of Justice; while the International City Managers' Association has a research committee and staff, and has established two fellowships for city managers. The National Federation of Federal Employees has contributed much to the development of a personnel policy at Washington during the past ten years, and its Committee of Fifty is directly interested in the status of research and of the scientist generally in the federal service. The Conference of Governors now has before it a proposal for establishing a secretariat which would supply research facilities; the National Association of Attorneys-General has voted to establish a permanent secretariat; and the development of the American Legislators' Association has been described above. Among the most effective of these organizations of public officials are the leagues of municipalities, often affiliated with state university departments of political science or research bureaus (although in New York the affiliation is with Syracuse University principally). These are federated through the American Municipal Association, which now has under consideration a plan for a central staff whose services in research, ordinance drafting, preparation of manuals and publication will be available to all the member organizations.

The significance of this movement is apparent; it introduces not only new practices and techniques, but the attitude of inquiry and self-appraisal itself into the very governmental office and department through the public servant. It offers, through the organized groups, a point of affiliation and acquaintance at which public servant and research and university men can meet, with all that this promises in the way of training opportunities for advanced students or apprentices on the one hand and fresh insight into governmental practice for the teacher or publicist on the other.

Space is lacking to describe here the many national societies which study the administration of specific functions and press for certain programs. Typical of these are the American Association for Labor Legislation, which has been conducting a study of labor-law administration in selected states, the National Recreation Association, the Isaac Walton League, the National Committee on Mental Hygiene, and the National Education Association. Many of these societies have large staffs of experts and engage in surveys and studies of the administration of a function for units of government. Similarly, certain foundations have organized or financed functional studies. Thus the General Education Board has instituted many surveys in public education, especially in the South; the Commonwealth Fund is at present conducting a study of the administration of workmen's compensation insurance; the same organization has financed other studies in administrative law which have already been published and are familiar to political scientists.

The significance of these functional organizations is at least two-fold. They harness the energy and effort of the lay citizen to the tasks of government in a manner denied them in our constitutional system, so that those interested, let us say, in parks or labor legislation may, regardless of state lines or local units, coöperate in the study of problems and suggestion of solutions. In the second place, by financing staffs of experts in their chosen fields, they supplement the activities of the various units of government through surveys, advisory relations, and the presentation of suggestions and standards to legislatures, committees, and other official bodies. Here again a most interesting series of studies await the political scientist. Already, indeed, some account of this supplementary governing institution—the organized public servants and the civic associations—is appearing in the texts. The published studies of the American Public Health Association, the National Committee on Mental Hygiene, the National Recreation Association, the American Civic Association, and many other such organizations, as well as their working papers, offer invaluable material for any understanding of our contemporary administrative organization. That this is unknown to the foreign scholar, with his contempt for American government, is the more natural in view of our own failure to explore these developments. We have proceeded along anarchical and separatist ways, partly for the good reason that one attack upon our problem that promised much success was through the steadily

rising standards of professional and functional societies, and the pressure of special interest in particular functions of government. We may well attempt now a more general appraisal, along with intimate examination of the separate parts of this movement.

The governmental research movement outside of the public departments has progressed steadily in the establishment of new institutes of research, the securing of interested support in local chambers of commerce, and an extension into state-wide, and even regional, organizations. The Governmental Research Association now possesses a representative membership drawn from these local organizations; an annual meeting called the National Conference on Government brings together the National Municipal League, the Governmental Research Association, the American Legislators' Association, the American Municipal Association, the National Association of Civic Secretaries, and similar organizations. Several of these societies join in supporting the Municipal Administration Service, an agency for supplying research services to its members. The Chamber of Commerce of the United States, through its finance department, has urged upon its membership an interest in budgets and financial methods, and has supplied local chambers with reports and studies. The National Industrial Conference Board has undertaken studies in public finance. The Bureau of Economic Research has, within the year, issued its report on the planning of public works. Here again, separate functional organizations supply special services; the Planning Foundation of America is illustrative of this. A National Committee on Municipal Standards, organized by the Governmental Research Association, the National Municipal League, and the International City Managers' Association, has within the year issued a study of measurement standards in the function of street cleaning (a study made in coöperation, characteristically enough, with the International Association of Street Sanitation Officials), and is now pressing on with parallel studies of other functions. The original impetus behind the old New York Bureau not only, therefore, has spread to the bureaus early established in Philadelphia, Detroit Cincinnati, Chicago, Kansas City, San Francisco, and a hundred other cities and local units, but now is felt among the organized officials, chambers of commerce, and other groups. A great number of special journals now supplement the more general ones such as the *National Municipal Review* and the *American City*. Loose confederation of several of these associations, as indicated above,

has been achieved, although there is no single dominant national organization.

It is well to attempt a brief appraisal of these several types of administrative research in public, semi-public, or functional agencies. The work done in the governmental offices has great advantages: it has official data available; it is undertaken by those close to the persons who will be able to apply the results; and it fosters a continuing attitude of self-examination. But it has suffered from the fact that since the war much of the development of staff work has been under the motivation of tax reduction regardless of social planning or effective supply of governmental services. It is handicapped by the difficulty of finding higher officials equipped to develop really significant research—a thing difficult to attain anywhere and at any time. Finally, the average public officer of any imagination and energy is apt to be very heavily loaded with his ordinary duties. However, the steady development of administrative studies by many federal bureaus (as mentioned above), the establishment of research fellowships by the New York State Tax Commission, the remarkable studies in finance and credit made by the research staff of the Federal Reserve Board, the increase in administrative research in the control departments of our states—all of these, as well as earlier experiences, offer useful examples of official administrative research which our new social and economic problems will undoubtedly require us to undertake.

The governmental research movement began as a militant and aggressive agency. It has made substantial contributions to administration—so substantial as even to win the praise of foreign observers. Its policy is now less militant; it seeks to cooperate with officials, give them credit for any results achieved, and limit its publication of reports. Partly due to this change, probably, it is more successful in winning over even the more critical official to sympathy and cooperation with new methods and policies. No longer a "spearhead of revolt," it is "boring from within." But the average bureau staff member must work under the pressure of immediate assignments of local application, and his unique experience, like that of the civil servant, is apt to be cut off from communication to other students of government. Both the civil servant and the governmental research staff member need opportunities for leave from official duties, and for travel, observation, and writing, if we are to have the most benefit from them and they are to contribute most to their immediate tasks.

Here the affiliation of university, research council, or other type of organization with the civic association, governmental department, or research institute seems most justified; by associating these men and women with research opportunities, it is possible to demonstrate to legislative committees or department heads the added values created for the public by a fresh appraisal of a governmental problem or an opportunity for comparison of methods or the leisure for a long look ahead. A sign of healthy development and great opportunity here is the variety of our organizations; it may be possible for such an organization as the New England Council to stimulate this for its region, the Ohio Institute for a state, the Local Community Research Council of the University of Chicago to offer such a rallying point for a metropolitan district lacking in any governmental unity, a League of Municipalities to cooperate over a state area. Indeed, something of this nature is already under way in these and other centers.

The early contributions of the governmental research movement in the techniques of public management and the making of surveys are now paralleled by the issuance of books appraising observation and experience. Illustrative of this are the studies by Buck, Forbes, Upson, Willoughby, and others. A few organizations have stressed some aspect of the training and education function, notably the Brookings Institution (with which the old Institute for Government Research is affiliated), the National Institute for Public Administration, and the Detroit Bureau of Governmental Research. The Brookings Institution, indeed, is outstanding for its publication of studies and the greater opportunity offered for research of a "non-applied" type illustrated by the recent book on German administration by Blachly and Oatman.

The Universities. A summary of the materials relating to university work in this field may be brief, since most readers are familiar with developments here. Some generalizations may be hazarded. The study of administration, first recognized by Woodrow Wilson in an article published in 1887, emerged out of law and philosophy. Early in the present century, some basic descriptive studies of local and national political institutions were appearing to supplement this. The emphasis has shifted gradually to management-organization, personnel, finance, and similar activities. Meanwhile the rise of professional schools and societies, and their association with functional departments of government, contributed to the particularistic treatment of the subject which we now find. Schools of law, education, engineering, public

health, medicine, social work, agriculture, and foreign service now supply much of the work in this field, while the schools of public administration which have been established generally interpret their field narrowly, as to content and objective, in training for staff positions in governmental research or government offices. The departments of political science have had different objectives placed before them. They must provide for a study of politics as a part of a liberal education for the layman; prepare a few students for teaching positions in political science; and offer some work—of undetermined content and range—suitable for those who seek a public career.

But here a complicating factor has arisen. As Professor Macmahon has indicated, higher administrative posts are usually filled by the appointment through promotion of a skilled technician of administrative abilities. Thus, most training must be secured through the professional schools of engineering, law, public health, education, and the like. We are challenged by a most interesting problem and opportunity. How can we provide, and at what time, for the kind of introduction to public administration suitable for those entering professional schools through which entry into public service is likely to be secured? Can some introductory work in this field of a sort designed to widen the outlook, stimulate the imagination, and set permanent critical conceptions in motion be established by political scientists with the object of reaching these professional students? Or should the university frankly enter the field of adult education for public servants by establishing institutes for those in government office and offering, perhaps in coöperation with foundations, research fellowships for civil servants and governmental research staff members? At this point, as indicated earlier, much experiment is desirable, and is now being attempted at many places.

Nor can we afford to overlook the opportunities offered by the supplementary governing class mentioned above, found in the local, state, and national civic groups with their public-spirited lay citizens. At some point in their college courses—invariably the undergraduate liberal arts course—we have an opportunity of introducing them to the rôle of administration in the Great Society, a task, as suggested at the beginning of this article, that we have too often neglected.

Under the pressure of these considerations, several interesting new developments may here be indicated. In many institutions—North Carolina, Virginia, California, Chicago, Michigan, Wisconsin, and else-

where—councils for social research have been formed. Through these, some effort to integrate all work relating to social institutions is attempted; and we see a deliberate slowing down of the old current of particularism. Again, it is possible to discern a new emphasis, taking its place beside the older interest in law and management; it is placed upon social planning, whether for a state, a region, a metropolitan area, a group of cities, or a function applied through various units. This conception is being enriched, also, by the new interest in individual psychology. It is possible that from these varied interests and attacks some will be led to a consideration of the implications for political theory and philosophy of the new administrative developments and problems. It is to be hoped that we shall be led thus to search and appraise afresh comparative administration in the old world, in the new revolutionary states, and in the successive stages of our own historical development.

These new developments in the universities are generally related quite definitely to the organizations and associations mentioned above. Thus at Chicago, the Local Community Research Council has working relations with the International City Managers' Association, the Bureau of Public Personnel Administration, and many local and regional groups as well as other national societies. Many state universities are affiliated with the leagues of municipalities; at California, the Bureau of Public Administration entered upon its five-year program last July. This includes studies made in cooperation with several state departments and civic associations. The School of Public Administration at the University of Southern California was designed primarily for the several thousands of civil servants at the civic center. At North Carolina, the Institute for Social Research has taken primarily the state, incidentally the Old South, as its field of study. On the other hand, councils and institutes at Columbia and other universities emphasize primarily the needs and work of the individual scholar more than the study of a region, although one may note here again such cooperative studies as the Columbia series on post-war France.

Conclusion. It is suggested that in view of this extensive variety of institutions, as well as of the differing problems, challenges, and opportunities, the question of the organization of the field of research in public administration will not be answered by the establishment of any single comprehensive society. Tendencies have here been indicated that

suggest a process of federation among some societies; great opportunities for widening the area of study and self-examination are suggested by the societies of public servants, in some affiliation with university social science research councils and national organizations of a civic nature. Probably some means for consultation and planning, for comprehensive long-time views, can be achieved by steady and patient conference with the leaders in the many existing organizations. One can discern the possibility of some crystallization about an institute in the field of public administration which will federate, rather than supplant, existing efforts and organizations.

Any such development must be accompanied by several studies which have intrinsic value of their own. We need an account of these supplementary governing institutions among the public servants and the civic associations; an appraisal of special regional problems and needs, such as those of the Lower South, or New England, or the Upper Mississippi Valley; a study of the whole question of training for the public service, both as now undertaken in universities, in the many (and little known) government training schools and courses, and as capable of establishment through various means for civil servants.

It is probable that the basic contribution of the university scholar in this field must be directed at historical, critical, and philosophical appraisals of tendencies and movements. It is significant that much fine work is done by men in the smaller colleges, and more opportunity could profitably be given by these institutions, or the larger universities at regional and metropolitan centers, in making the resources of the experience of the public servant or the civic association more freely available to them. We need more guidance from the academic observer, above the battle, concerning the new conditions in local areas of government, the problem of political leadership under the increasing professionalization of municipal and other services, and the relations of legislative leadership to the administrative departments with their wider discretionary powers. Not far ahead—indeed already present at some points—are other difficult questions of administrative law, which have aspects other than legal.

Within the past year we have been able to note the experience of other states with problems comparable to our own. The Russian "Gosplan" now impresses even our industrial leaders; the British government is extending its civil research staff, tentatively proposes an imperial economic secretariat, and has established committees to

study the extension of administrative discretionary authority, the administration of unemployment insurance, and local civil service administration. The government of Dublin is returned to the electorate, Turkey experiments (briefly) with an official opposition, India and Britain confer over federalism. The League of Nations is perplexed by the status of its civil servants; are they exclusively an international agency, or nationals on leave? The publication of Professor White's *The Civil Service in the Modern State* is here a great aid to the American—and foreign—scholar.

Yet within our own borders we are offered a wealth of problems and possibilities. The present San Francisco charter drafting committee is considering a most interesting innovation in regard to the problem of political-expert relationship in city government. The spread of the idea of permanent staffs for civic and public servant organizations has been discussed above, and the conception of administration as the instrument through which all social services for a metropolitan area, a state, or a region can be integrated is taking root. These quiet and steady developments offer more for our consideration, probably, than the more widely reported White House Conference of last autumn. Meanwhile the problem of control over great basic factors in our economic life, such as power, marketing and finance, reflected in numerous reports of last year—New York, Massachusetts, New Hampshire, the Federal Trade Commission, the Federal Farm Board, and many others—brings powerful contenders into the political arena. The American political scientist cannot complain for lack of exciting and important tasks immediately at hand, or an audience hungry for some interpretation of what they imply.

JOHN M. GAUS.

University of Wisconsin.

NOTES ON RURAL LOCAL GOVERNMENT

EDITED BY THOMAS H. REED
University of Michigan

The Crisis in County Government in Michigan. The power of the past is nowhere more apparent than in the field of rural local government. Those whose lives are rooted to the soil of a native town, township, or village have become immunized through the centuries to the advances of political science. It is a fair question whether rural local government today is superior to that of the Germanic, tribal mark, the Anglo-Saxon tunsceipe, or the parish of seventeenth century England. Surely the mark, the tunsceipe, and the parish were better adapted to the times than the modern township, village, and county to the tempo of the twentieth century. After all, it is not such a far cry from the township meeting in Michigan to the assembly of mark-men which Tacitus describes in his *Germania*.

Yet no state can afford to ignore the forces that are now at work in the field of rural local government. The county manager plan is no longer pure theory. Both in Virginia and in North Carolina, counties employ officials known as county managers.¹ Most of these managerial positions, it must be admitted, are mere combinations of offices. It is probably fair to say that the structure of Davidson county, North Carolina, approaches an effective county manager plan.² Nevertheless, the advance has begun; the transplantation of the manager idea to the field of rural local government is under way.

Rural Domination of Michigan Counties. Rural local government in Michigan has as its basic element the township. The dominant features of county government are the long ballot, the decentralized administrative structure, and the system of township representation in county boards which makes for disproportionate representation of the rural areas. The root of the evil lies in the widening breach between a system of rural local government suited to a rural and agricultural

¹ Cf. Paul W. Wager, *County Government and Administration in North Carolina* (1928), and Wylie Kilpatrick, *Problems in Contemporary County Government*, (1930).

² Kilpatrick, *op. cit.*, p. 638.

state and the needs of southern Michigan, rapidly developing in industrialization and urbanization.

County government in Michigan is cast into a rigid mold by Article VIII of the state constitution. The boards of supervisors are still selected upon the basis of ward representation. The constitution requires a county board of supervisors "consisting of one from each organized township," and for such urban representation "as may be provided by law."³ This automatically creates a large board of supervisors, with the exception of a few counties where the number of townships is small and cities are non-existent. The size of boards in the urban counties ranges from approximately twenty to 125.⁴ They resemble conventions. It is impossible to conduct county government efficiently with such unwieldy boards, in session for brief periods after long intervals. In general, the representation of cities in these conventions is in accordance with a population scale fixed by the legislature.⁵

Undeniably, the system of township representation on boards of supervisors has led to the dominant rôle that the rural areas have played.⁶ The power of the rural areas in county affairs is commensurate with the number of township supervisors. Washtenaw county is an example of this situation. The county contains twenty townships and two cities, Ann Arbor and Ypsilanti. Ann Arbor, with a 1930 population of 26,872, has seven supervisors; Ypsilanti, with 10,137

³ Art. VIII, sec. 3.

⁴ Here are some typical urban-county boards from the point of view of size: Bay county, 39 supervisors; Calhoun, 37; Genesee, 37; Ingham, 30; Jackson, 27; Kalamazoo, 22; Kent, 52; Muskegon, 23; Oakland, 45; Wayne, 125.

⁵ Michigan, *Public Acts* (1923), No 170. Cities of less than 3,000 have two supervisors; cities of 3,000 to 4,000 have three; cities of 4,000 to 15,000 have four; cities of 15,000 to 25,000 have five; cities of 25,000 to 35,000 have six; cities of 35,000 to 50,000 have seven; cities of 50,000 to 65,000 have eight; cities of 65,000 to 80,000 have ten; cities of 80,000 to 100,000 have twelve; cities of 100,000 and not more than 500,000 have one additional supervisor for each additional 10,000 or fraction thereof; cities of more than 500,000 have one additional supervisor for each additional 40,000 or fraction thereof. Some cities are still, however, represented on county boards in accordance with the terms of special charters granted by the legislature prior to the introduction of home rule in 1908.

⁶ Michigan stands with New York, Wisconsin, and Illinois as one of the few remaining outposts of township representation on county boards. Cf. John A. Fairlie and Charles M. Kneier, *County Government and Administration* (1930), p. 111.

inhabitants, has two supervisors.⁷ The twenty townships, with a total population of 26,806, have, under the terms of the state constitution, twenty supervisors. Nine supervisors represent an urban group of 37,009, whereas twenty supervisors represent a rural population of 26,806. This situation can be defended only upon the theory that land as well as population should be weighed in the balance to determine representation.

It is true that Washtenaw county is as striking an example as could be found in the state. In many of the southern counties the situation differs only in degree; an urban majority is transformed into a minority in the county board of supervisors. The rural townships are represented far beyond the numbers which their population would warrant upon a perfect numerical apportionment.⁸ Wayne county, containing Detroit, is always cited as an example of the urbanization of southern Michigan. Few stop to consider that such counties as Bay, Genesee, Ingham, Jackson, Kalamazoo, Kent, Muskegon, Oakland, and

⁷Under the general terms of Act No. 170 of 1923, which sets up a population scale in accordance with which cities receive representation on boards of supervisors, Ann Arbor should have six supervisors and Ypsilanti four. However, Ann Arbor was granted seven supervisors, one for each ward, by special charter prior to the home rule amendment, and this still controls the representation of the city. Ypsilanti's charter provides for two county supervisors, and this provision controls Ypsilanti's representation until it is amended to provide for the four members to which the city is now entitled. This is one illustration of some of the complexities raised by the exceptions included in the act of 1923, namely, "that whenever the representation of cities upon the board of supervisors of the county has been fixed by law it shall remain as now fixed until changed by charter provision. . . ."

⁸The statistics of representation for some of the counties follow:

<i>County</i>	<i>Urban Population</i>	<i>Urban Supervisors</i>	<i>Rural Population</i>	<i>Rural Supervisors</i>
Bay	48,935	23	23,541	16
Calhoun	56,399	17	23,993	20
Genesee	211,339	19	50,481	18
Ingham	85,360	14	30,999	16
Jackson	54,870	8	36,928	19
Kalamazoo ..	54,388	6	36,923	16
Kent	172,238	28	67,835	24
Muskegon ...	58,252	16	26,250	17
Oakland	113,359	20	97,042	25
Saginaw	80,409	24	39,935	27

Saginaw are distinctly urban in character.⁹ Only in four of all the counties of Michigan, *i.e.*, Bay, Genesee, Kent, and Wayne, is there an urban majority in the board of supervisors. Land is extremely well represented in county government.

No change is in sight at the present moment. It will take a constitutional amendment to deprive the individual townships of their county supervisors. The number of urban supervisors might be increased by legislative mandate. But in the state legislature the rural areas are disproportionately represented. The state constitution provides a representative for each county which has a "population equal to a moiety of the ratio of representation."¹⁰ A constitutional amendment on reapportionment was rejected by the voters on November 4, 1930, by a majority of more than 100,000. This provided for a house of representatives of one hundred members elected from single-member districts containing "as nearly as may be an equal number of inhabitants." It would have given Detroit a representation of forty in a house of one hundred representatives. A dominant rural majority in the state legislature is naturally loath to increase urban representation in county boards. On the one hand, a decrease in the number of township supervisors is blocked by a constitutional provision; on the other hand, any decided increase in the number of urban supervisors will be thwarted by a rural majority in the state legislature. Until the constitution is amended, there is no possibility whatsoever of creating compact county commissions of three or five members elected at large. Except for the remote possibility of a county home rule amendment, Michigan counties will for years to come be saddled with large, unwieldy county boards, selected upon the basis of ward representation.¹¹ The present system of township representation upon

⁹ Bay county is now approximately 71 per cent urban; Genesee, 74 per cent; Ingham, 74 per cent; Jackson, 60 per cent; Kalamazoo, 60 per cent; Kent, 70 per cent; Muskegon, 69 per cent; Oakland, 53 per cent; Saginaw, 67 per cent. These statistics include as urban three small cities in Genesee county and one each in Muskegon and Oakland which have a population of less than 2,500. This is the dividing line used by the census between urban and rural areas. The five small communities referred to are included in urban population because they are incorporated as cities and entitled to separate representatives on the board of supervisors. These figures are based on the press releases of the 1930 census.

¹⁰ Art. V, sec. 2.

¹¹ On the cost of large county boards, see M. Slade Kendrick, *A Comparison of the Cost of Maintenance of Large and of Small County Boards in the United States* (Cornell University Agricultural Experiment Station, 1929).

county boards makes any proposal to create county commissions elected at large something in the nature of a declaration of war by the urban areas against rural domination of urban counties.

Consolidation of Counties. While business corporations pile up gigantic combinations and mergers, county consolidation makes little progress. Much has been written in the past two years about the development of the county manager plan. No corresponding treatment has been accorded county consolidation. Possibly this is due to the tacit recognition by students of rural local government of the tremendous opposition to modifications of county boundaries. Obstructionist tactics and assuredly the loudest vocal complaints against county consolidation come from the court house rings which would thereby be dethroned. More formidable still is a very decided feeling in rural areas against mergers with "that crowd" in the counties to east, west, north, or south. When James county, Tennessee, voted ten to one to consolidate with Hamilton county, which contains Chattanooga, the country was pleasantly surprised. It was an unusual incident, in which debate over county consolidation was turned into action.¹²

Michigan continues to debate county consolidation. Already approximately eighty-five per cent of her population is drawn into thirty-five counties in the southern portion. The remaining fifteen per cent is spread thinly over forty-eight counties in the northern part of the lower peninsula and in the upper peninsula. Michigan has one block of nine adjacent counties with a total population of 47,031 and an assessed valuation of \$31,585,890. This group must support nine county jails, nine court houses, nine probate courts, nine boards of supervisors, and nine complete sets of county officers. The burden becomes more staggering when other agencies of local government are considered. The nine counties are subdivided into ninety-three townships, fourteen cities and villages, and several hundred school districts. There are actually thousands of minor public officials. The maintenance of the governments handed down by the fathers untouched by reasonable consolidations in the region is fast becoming a luxury for which the people cannot pay. Out of total levies for state and local taxes amounting to \$1,290,000 in 1928, this region was delinquent to the extent of \$435,531, or more than one-third. This cannot be blamed on the mount-

¹² Cf. J. W. Manning, "County Consolidation in Tennessee," 17 *Nat. Mun. Rev.* 511 (Sept., 1928), and "Bigger and Cheaper Counties," 107 *Literary Digest* 10 (Oct. 18, 1930).

ing costs of state government. The expense of local government constituted ninety-three per cent of the tax levy in this area.

The inevitable result of heavy local taxation in these nine counties seems to be the reversion of great blocks of land to the state itself. Private owners are slow to buy land when it is put up for tax sale. In 1929, land in these counties was sold at a tax sale for unpaid 1926 taxes amounting to \$150,463. Of this tax sale land, only fourteen per cent was purchased by private buyers. For want of private sale, the remaining eighty-six per cent was bid in by the state.¹³ The state as a whole shows a similar reversion under the pressure of local taxation. "Because of the rapid rate that cut-over and abandoned farm lands have been reverting to the state, Michigan now owns," according to a survey recently made by Senator Peter B. Lennon, of Genesee county, "or is in the process of obtaining, more than a fourth of the total area of the two peninsulas. Michigan has 36,000,000 acres. The property deeded to the state and on the delinquent tax list totals 9,150,000 acres."¹⁴ The situation calls for a drastic reorganization and consolidation of the agencies of rural local government.

No more appealing argument for county consolidation can be presented than the following excerpt from the official proceedings of a county with one of the smallest populations: "Whereas, by reason of the closing of the [bank] in which the county funds are deposited and not available, it becomes necessary to borrow \$1,000 in addition to the bond issue (a previous loan of \$7,000) to complete the sheriff's residence and jail . . . be it resolved that . . . the said sum" be borrowed. In many respects this is a problem of education. State officials are naturally loath to press a consolidation movement that will upset the status quo and incur local hostility.¹⁵ Until the people of these sparsely

¹³ The statistics used in the analysis of these nine counties were compiled from official sources by Judge Arthur J. Lacy, chairman of the Property Owners' Division of the National Association of Real Estate Boards. Cf. his authoritative pamphlet on the finances of Michigan counties entitled *The Costs of Government* (privately printed, 1930.)

¹⁴ *Detroit Free Press*, Dec. 8, 1930.

¹⁵ The state constitution limits the power of the legislature to reduce the size of counties, but not its power to consolidate them. Art. VIII, sec. 2: "No organized county shall be reduced by the organization of new counties to less than sixteen townships, as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide." A movement by some state officials in 1929 toward county consolidation raised such a furor that it was dropped with despatch.

settled areas believe that the advantages of consolidation will recompense them for the loss of the political units handed down by their fathers, little can be expected.

No reasonable man in the automobile age would map out the present jungle of small counties and townships in Michigan. How long must we be ruled by the doctrine that a county shall be of such size and its seat so located that a farmer can drive to the court house and back with horse and buggy between sunrise and sunset? The issue is squarely up to the inhabitants of these sparsely settled counties, meagre in valuation and dark in outlook. Nothing can alter the fact that consolidation of counties is fully as important as the rehabilitation of their governmental structure. The best governmental mechanism yet devised by man will be hard pressed to provide necessary administrative services for a struggling county of small population, low valuation, and meagre annual income. One of the most obvious needs of 1931 is the reorganization of county lines to coincide with regional units of economic, social, and political significance.

County Home Rule. The longer consolidation of counties is delayed, the stronger becomes the argument for county home rule. Michigan has had home rule for cities since 1908.¹⁶ Why not home rule for counties? In so far as the counties are extremely diverse in size, population, valuation, and degree of urbanization, the home rule principle carries weight; in so far as they act as agents of the state, standardization and supervision appear essential. An effective compromise must be forthcoming. Allow counties home rule in the determination of their governmental structure and in affairs of purely local concern. State control must still be retained in matters of state-wide interest; but this control should become more administrative and less legislative in character.

In 1930, Michigan counties ranged from Oscoda with 1,728 people to Wayne with 1,888,731. Their economic and social conditions varied

¹⁶ Const., Art. VIII, sec. 20: "The legislature shall provide by a general law for the incorporation of cities, and by a general law for the incorporation of villages. . .;" Sec. 21: "Under such general laws, the electors of each city and village shall have power and authority to frame, adopt, and amend its charter . . ." This was not a self-enforcing mandate. But the legislature has acted in good faith by laying down liberal provisions as to what shall, and what may, be contained in a city charter. This good faith has been continuous, for the legislature has frequently modified the general law of incorporation to conform more closely to the desires of the cities.

from impoverished acres that had witnessed the passing of the lumberman to areas of great wealth built upon industrialization. The spread in valuation was from less than two million dollars to more than four billions. All in all, the diversification is astounding. Michigan has resort counties, agricultural counties, lumbering counties, mining counties, industrial counties, counties large and small, urban and rural. It is a vast array defying common treatment. Yet the state constitution decrees that there shall be elected biennially in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds, and a prosecuting attorney.¹⁷ This rigid requirement of a long ballot, with the chief officials receiving a direct mandate from the people, automatically rules out any possibility of introducing effective county managers. The Jacksonian dogmas still prevail in county government. They are firmly embedded in the state constitution. The ancient shibboleth of separately elected administrative officials is now questioned by many. In county government the time is passing when any man can govern.

Home rule for counties has been unsuccessfully advocated in Michigan. A movement from 1915 to 1921 with that objective was a fiasco.¹⁸ The amendment sponsored by a citizens' state committee provided that counties might "frame, adopt, and amend charters for their self-government. . . ."¹⁹ Debate over the proposed amendment was aroused, but little was accomplished.

The exponents of county home rule returned to the attack in 1929. On this occasion a constitutional amendment was carried through the state senate; but it stopped there. It read: "The legislature shall provide by a general law for home rule for counties and under such general law any county may adopt by a majority vote of the electors voting thereon a charter for the conduct of county government. Such general law may permit a county in its charter to fix the number and manner of election of its board of supervisors and to fix the term and manner of selection of its officers other than judicial officers, including those provided for in the constitution. Execution of the powers and

¹⁷ Art. VIII, sec. 3.

¹⁸ C. Roy Hatten, "The Movement for County Government Reform in Michigan," 9 *Nat. Mun. Rev.* 696 (1920).

¹⁹ Citizens' State Committee, *How to Save Money for Michigan Taxpayers* (pamphlet, 1921).

duties conferred by the constitution and general laws of the state shall be provided for in each county charter.²⁰

A county home rule amendment would have obvious advantages. No county would be shackled with a type of government dictated by the constitution. The vital principle of local self-government would be respected. Counties electing to continue under the present system could do so. But the way would be clear for any county to experiment with the county manager plan. Oakland and Genesee county officials have shown an interest in the county manager idea. Under the present constitutional restrictions, they can do little more.

Picture for a moment a county manager plan in operation, with a small board of supervisors selecting a manager, who in turn would appoint the important officials of the county other than judicial officers. The scheme would be a direct breach of Article VIII of the state constitution. Until this is amended or a system of county home rule established, effective county managers cannot be set up in Michigan. Under the present constitutional provisions, Michigan counties must continue with bulky boards of supervisors, a large number of independently elected officials, a long ballot, and a disintegrated administrative structure.

County Manager Government for Michigan. From the point of view of administrative organization, the present system of county government in Michigan is woefully weak. At the biennial November elections, the voters in the typical Michigan county must select a judge of probate,²¹ a sheriff, a county clerk, a county treasurer, a register of deeds, and a prosecuting attorney.²² They select at the same time a county surveyor and drain commissioner.²³ A county school commissioner must be chosen quadrennially.²⁴ The constitution calls for the election of a circuit court judge every six years.²⁵ The judicial machinery is rounded out by the election of coroners and circuit court commissioners biennially in each organized county.²⁶ Most of the counties

²⁰ The chief objections to this amendment were that it made no provision for the consolidation or elimination of townships or for the consolidation of school districts.

²¹ Art. VII, sec. 13.

²² Art. VIII, sec. 3.

²³ Mich. Comp. Laws (1915), secs. 2479 and 4872 respectively.

²⁴ *Ibid.*, sec. 5878.

²⁵ Art. VII, sec. 9.

²⁶ Mich. Comp. Laws (1915), secs. 2470 and 12165 respectively.

impose the additional burden upon the electorate of choosing a board of county road commissioners.²⁷ A further obligation in some of the urban counties takes the form of the election of a board of county auditors.²⁸ The supervisors are picked in the annual spring elections.²⁹ Such a jumble of elective officials defies the intelligence of the electorate. The party circle at the top of the party column encloses the bad with the good. The astounding fact is that the system operates as well as it does. The whole thing is defended by the court house group as the American type of representative government as handed down to us by our forefathers.

On the other hand, a suggestion of the county manager plan is met with the cant phrases that it is not American, that it is not representative, that it was not handed down by the fathers. The argument assumes a more positive tone. The manager plan, it is asserted, is autocratic and dictatorial; it is an offshoot of the German *bürgermeister* system; it smacks of the Prussianization of American political life. These are the stock accusations which were hurled at the city manager plan in its earlier phases. The standpatters intentionally or otherwise overlook the policy-forming county council selected by vote of the people, which is as significant as the manager. The opponents of the plan prefer to play upon the name "county manager plan." The scheme is technically the council-manager plan for counties, just as in municipal government the term "council-manager plan" is more accurate than the current "city-manager" designation. This is elementary to all students and supporters of the county manager plan. To some extent, the propaganda for the county manager plan could be aided by a wider use of the phrase "council-manager plan for counties."

But it seems doubtful whether the council-manager plan could ever become the success in Michigan counties that it has been in Michigan cities. The county is too deeply embedded in the political life of the

²⁷ Mich. *Comp. Laws* (Annotated Supplement, 1922), sec. 4352.

²⁸ In Wayne county, the board of auditors consists of three members elected for a term of four years at a salary of \$3,000 a year. County of Wayne, *Manual* (1930), p. 70. Washtenaw county has a board of auditors selected by the board of supervisors. Mich. *Local Acts* (1927), No. 1.

²⁹ With the exception of certain cities in which the urban supervisors are selected by the city council, and others in which the charter designates specific municipal officials as county supervisors. Some cities use a combination of these two methods. The township supervisors must be elected annually. Art. VIII, sec. 18.

state. The cities of Michigan have in many instances developed a high degree of non-partisanship. Yet the same urban voters who are non-partisan in municipal affairs remain partisan in county elections. There is no denying the fact that the court house group is the nucleus of the state party organization. It marches into action for national elections as well. Under the council-manager plan, the vast majority of Michigan counties would have a Republican council, a Republican manager, and Republican department heads. The matter would simmer down to this: Would the Republican party give a better administration of county affairs under the council-manager plan than under the present cumbersome mechanism?

It is worth while to work toward county home rule in Michigan, and the adoption of the council-manager plan for counties, with this proviso. The real struggle will begin when the first home rule council-manager charter goes into effect. The people can then hold their county councils responsible in a manner never before possible. With an electorate determined that the old order shall not persist under a new form, and with public spirited citizens running for the council, reform will be possible. With an apathetic electorate and a council of the old type of office-holder, the plan would soon be discredited.

Rural local government in Michigan faces a real financial crisis. Consolidation of the units of rural local government is one way out of the morass. Nothing can be done to reorganize the governmental structure of the counties without a constitutional amendment. In my judgment, this should take the form of a home rule amendment which will permit counties to adopt the county manager plan if they choose. These reforms could hardly produce a governmental system worse than the present one; they might avert the crisis and establish a system of county government infinitely superior in every respect.

ARTHUR W. BROMAGE.

University of Michigan.

FOREIGN GOVERNMENTS AND POLITICS

The Treaty-Making Power in Fascist Italy. Signor Mussolini's unequivocal refusal to cooperate in M. Briand's proposal of a United States of Europe and the intransigent policy adopted by Italy at the London Naval Conference of 1930 have again directed attention to the power which the Italian dictator possesses over the foreign policy of his country. The constitutional measures by which he has attained, and now holds, this power throw much light upon the Fascist régime.

In Italy, as elsewhere in Europe, the conduct of foreign policy has been vested in the executive, subject to but few constitutional limitations. However, whereas most European constitutions confer upon the legislature an ultimate control over the foreign policy of the government, this has never been the case in Italy. The *Statuto* of March 4, 1848, which today remains the nominal fundamental law, endowed the king with almost exclusive jurisdiction over foreign relations. It is the king who "commands all land and naval forces; declares war; makes treaties of peace, alliance, commerce, and other treaties, communicating them to the house as soon as the interest and security of the state permit," subject only to the limitation that "treaties involving financial obligations or alterations of the territory of the state shall not have effect until after they have received the approval of the houses."¹ Under the system of ministerial responsibility originally established,² these powers came to be exercised by the ministers, the king personally assuming the familiar position of the constitutional monarch. The ministers thus retained a control over foreign policy, including the termination of treaties, which was checked in law only by the requirement that treaties involving financial obligations or alterations in the territory of the state required the approval of the Chamber of Deputies and the Senate before they might be ratified.³

As in France,⁴ treaties involving financial obligations were inter-

¹ *Statuto*, Art. 5. Trans. in W. F. Dodd, *Modern Constitutions* (Chicago, 1909), II, 5.

² *Statuto*, Art. 67.

³ S. B. Crandall, *Treaties: Their Making and Enforcement* (2nd. ed., Washington, 1916), 320-323; L. Michon, *Les traités internationaux devant les chambres* (Paris, 1901), 373-389; Cmd. 3102 (1912), 1£; Cmd. 2282 (1924-25), 31.

⁴ A. Esmein, *Éléments de droit constitutionnel française et comparé* (8th ed., Paris, 1927), II, 201.

preted as treaties which related to the expenditure, and not to the receipt, of public funds. Customs treaties, for example, dealing with customs receipts, did not come within the control of the legislature. A similar interpretation reduced the rôle of the legislature in connection with treaties involving "alterations" in the territory of the state. Thus, in 1889, when the legislature sought to attack the government for concluding the treaty of that year with Abyssinia relative to the adjustment of African frontiers, the government successfully maintained that the limitation as against altering the territory of the state related solely to continental Italy, and had no reference to colonial possessions.⁵ As a result of these practices, the Italian legislature had become accustomed, even before the advent of the Fascists, to restricting its legal control over the conclusion of treaties—and over foreign policy as well—to treaties designed to take funds from the treasury and to those reducing the territory of continental Italy. Though differing in this particular, the Italian system closely paralleled the French in other respects.

Legislation of the Fascist régime has brought several important alterations in the legal position of the legislature. By law of December 24, 1925, the premier was made responsible solely to the king for the course of his policy.⁶ The legislature was accordingly deprived of the indirect control over foreign policy that it might have attained through interpellations and other parliamentary devices. A law of December 9, 1928, accorded legal recognition to the Fascist Grand Council as a consultative organ which must be consulted before the adoption of any measure involving changes in the territory of the state or of the colonies.⁷ Since the Grand Council is an organ of the Fascist party, under the control of the premier, and since members of the Council of Ministers are *ex officio* members of the Council, that body has acquired a remarkable degree of power and prestige. The object of requiring its consultation—and implied approval—is, of course, not to place additional checks upon the government, but to afford added security through party discipline that the will of the party will be enforced.

Of even greater significance is the law of January 31, 1926, which

⁵ Miceli, *Il trattato italo-etiopico e diritto pubblico* (Perugia, 1890), 19ff.

⁶ Art. 2. *Gazzetta ufficiale* (hereafter cited as G. U.), 1925, No. 2263; *La legislazione fascista* (Rome, 1929), I, 49.

⁷ G. U., 1928, No. 2693; *La legislazione fascista*, I, 111-116; French text in *L'Europe nouvelle*, January 19, 1929; see also H. R. Spencer, "Political Developments in Italy," in this *Review*, February 1929.

granted to the government an enormous extension of the ordinance power.⁸ This enactment authorized the premier, after due consideration in the Council of Ministers, to issue ordinances with the full effect of law (1) when authorized by the legislature, and (2) in extraordinary cases or "when required for reasons of absolute or urgent necessity." An ordinance, or "decree-law," so promulgated is to be presented to the legislature for its final ratification; but the interval between promulgation and ratification may be as long as two years. If the legislature fails to adopt a decree—which it has yet to do—the decree ceases to have effect from the date of its rejection only; the rejection is not retroactive, and does not invalidate acts undertaken while the decree was in force. The interesting history of this law shows that it was originally proposed by the government for the purpose of authorizing the issuance of decrees for the ratification and enforcement of international treaties dealing with financial expenditures and territorial adjustments.⁹ In the Chamber of Deputies, this specific phraseology was replaced by the more ephemeral grant of authority to issue legal ordinances "for reasons of absolute or urgent necessity."¹⁰ It is thus plausible to assume that in "urgent" cases, the government, by decree, will be enabled to ratify treaties containing financial or territorial stipulations without obtaining formal legislative sanction, since it is the government that decides the question of "urgency."¹¹ As a result of this legislation, those sections of Article 5 of the *Statuto* requiring the preliminary approval of the legislature for the ratification of these types of treaties—the only treaties reserved to the legislature—are negatived.

Summarized briefly, the Fascist régime has altered the treaty practice contemplated by the *Statuto* (1) by establishing a government independent of legislative control in the determination of domestic and foreign policy, (2) by establishing an organ of the Fascist party as an official institution, with authority over the conclusion of a limited number of treaties, and (3) by so increasing the ordinance power of the government that it may ratify and execute, without

⁸ G. U., 1926, No. 100; French text in 54 *Annuaire de législation étrangère*, 57.

⁹ *La legislazione fascista*, I, 75ff.

¹⁰ The Italian "decree" used in this sense is synonymous with the French *décret* and the German *Rechtsverordnung*.

¹¹ On the law of January 31, 1926, see the interpretative articles in 18:1 *Rivista di diritto pubblico*, 49-64, 165-178, and 308-333.

legislative concurrence, any treaty that it chooses. All of these alterations have been brought about by legal processes and serve as constitutional alterations in the fundamental law. But aside from the constitutionalities of the situation, the circumstances of the Fascist dictatorship and the control which the premier is known to exercise over the legislature are other factors that must be borne in mind.

Since the Italian constitution does not regard treaties as a part of the "law of the land," a distinction must be drawn between their ratification and execution. The procedure described above relates particularly to the power of ratifying treaties and establishing their international obligation, apart from municipal enforcement. A treaty is internationally ratified by the executive instrument known as the royal decree (*regio-decreto*) which, of itself, has no other legal force; internal promulgation and effect is given by a decree-law (*decreto-legge*), which is an act of the government, not of the legislature, and which has the effect of a "legal ordinance;" formal legislative action, when required to give the treaty effect in the courts, takes the form of law (*legge*), customarily ratifying the text of the decree-law. The decree-law and the law issue in accordance with the constitutional norms governing domestic legislation; the royal-decree ratifying a treaty issues in accordance with Article V of the *Statuto*, as modified by recent Fascist legislation.

From the constitutional definition and limitation of the treaty-making power, we may turn to the practice of the government. In interpreting the territorial limitations imposed upon this power, the Fascist government has followed its predecessors. The Anglo-Italian treaty of July 15, 1924, adjusting the East African colonial boundary to Italy's advantage, was ratified without legislative approval,¹² as was the treaty of January 27, 1924, with Jugoslavia relative to the acquisition of Fiume.¹³ These treaties added territory to the non-contiguous colonial

¹² League of Nations, *Treaty Series* (hereafter cited L.N.T.S.), xxxvi, 380-ratified by Italy August 15, 1924 (decree-law no. 1547); ratifications exchanged May 1, 1925; submitted to the legislature for approval by law of July 15, 1926, no. 1587. This treaty incidentally throws light upon British practice, since the statute 15 Geo. V, c.7. was enacted before its ratification by Great Britain. See A. McNair, "When Do British Treaties Involve Legislation?", *British Yearbook of International Law* (1928), 58-68.

¹³ L.N.T.S., xxiv, 32, ratified February 22, 1924, with legislative approval following on July 10, 1925 (no. 1512).

area and to continental Italy, respectively, and as such were not regarded as altering the territory of the state.

The most important Italian negotiation of recent years culminated in the Lateran treaties of February 11, 1929, with the Vatican. The treaties and the concordat, involving both a reduction of the territory of continental Italy and a financial obligation, were submitted to the legislature for approval in the form of law before the instruments were ratified. The Chamber of Deputies had the project under consideration from April 30 until May 14, 1929; the Senate subsequently indicated its approval on May 25. Accordingly, the royal-decree of May 27, 1929,¹⁴ ratified the agreements in behalf of Italy and prepared the way for the exchange of ratifications on June 7.¹⁵

Early Fascist practice in concluding financial arrangements has been obscured by the form in which the international agreements were concluded.¹⁶ The situation has become clearer since the precedent of the Lateran treaties and concordat, and after the legislature gave its preliminary approval to ratification of the Italo-Ethiopian treaty of

¹⁴ No. 851, following the law of May 27, 1929 (no. 810).

¹⁵ *Bollettino parlamentare*, December, 1929, 760n. The handling of these treaties is an excellent illustration of parliamentary practice. The government project of law was presented to the Chamber on April 30, 1929; a special committee was appointed for its consideration, resulting in a report by Signor Solmi on May 10; legislative discussion took place on May 10-14, when the Chamber gave its approval. The project was received by the Senate on May 16; reported on May 23 by Signor Boselli; discussed May 23-25; and approved on the latter date. The approved project became the law of May 27, 1929 (no. 810), upon signature by the king, who then issued a royal-decree of the same date (no. 851) ratifying for Italy all of the agreements. Ratifications were exchanged at the Vatican on June 7, 1929. (A French text of the law of May 27, 1929, appears in *L'Europe nouvelle*, June 29, 1929).

In addition to the law authorizing ratification, several other laws were approved on May 27 relative to the marriage provisions of the Concordat (no. 847), and relative to the relations between ecclesiastical and civil officers (no. 848). Appointment of an ambassador to the Holy See necessitated the royal-decree of June 17, 1929 (no. 1146). The *circolare* of June 20 issued by the minister of justice (Rocco) carried into execution the penal provisions of the Concordat (*Bollettino Ufficiale* of the Minister of Justice, no. 21 of 1929). Military provisions of Art. 3 of the Concordat were specified in the *circolare* of the minister of war (Mussolini) July 18, 1929 (no. 419), *Giornale Militare Ufficiale*, disp. 38a of 1929.

¹⁶ The Geneva Protocol of October 4, 1922 (L.N.T.S., XII, 392), guaranteeing a loan to be used in the financial reconstruction of Austria was not made con-

August 2, 1928, which obligated the Italian government to contribute to the expense of constructing a highway from Addis Abeba in Abyssinia to the Italian port of Assab.¹⁷

A distinct change in the policy of the government in its attitude toward parliamentary participation in the process of treaty-making is to be observed in June, 1928. The Italo-German treaty of arbitration and conciliation of December 29, 1926, appears to be the first treaty submitted by the government for approval of the legislature before ratification since the beginning of the Fascist régime. The resulting law of approval of June 7, 1928, preceded the ratification of July 16, 1928.¹⁸ Before this time, all international treaties had been ratified and carried into execution by executive decree. The legislature had merely to approve these decrees by "converting" them into laws. In 1928, however, the Fascist government secure in its tenure of office, with a compliant legislature of its own choice, became more liberal in its policy. Since that time it has requested legislative approval before ratification of a number of treaties which would not ordinarily fall within the legislative competence. In addition to the Italo-German treaty of December 29, 1926, other examples are afforded by the Italo-Albanian treaty of defensive alliance of November 22, 1927,¹⁹ the additional protocol of December 30, 1927 to the Austro-Italian commercial treaty of April 28, 1923,²⁰ the provisional commercial treaty of July 1, 1928 with Esthonia,²¹ the Italo-Turkish treaty of neutrality and con-

tingent upon ratification; government approval was indicated by its decree of January 7, 1923 (no. 411), but formal legislative approval was not given until February 10, 1927 (law no. 2173). The war debt agreements with the United States (November 14, 1925, 69 Cong. 1 Sess, Sen. Doc. 3) and with Great Britain (January 27, 1926, Cmd. 2580) were reached by an exchange of notes without ratification. Legislative approval was ultimately given to both by the laws of February 14, 1926 (nos. 246 and 180 respectively).

¹⁷ L.N.T.S., xciv, 423, ratified August 3, 1929, following the law of July 8, 1929 (no. 1299).

¹⁸ L.N.T.S., lxxviii, 383, ratified July 16, 1928, following the law of June 7, 1928 (no. 1291).

¹⁹ L.N.T.S., lxix, 341; approved by the law of December 18, 1927 (no. 2633), and ratified on December 23, 1927.

²⁰ L.N.T.S., lxxxvii, 109; approved by the law of December 31, 1928 (no. 3345), and ratified on February 18, 1929.

²¹ L.N.T.S., lxxxvii, 277; approved by law on December 31, 1928 (no. 3422), and ratified on February 27, 1929.

ciliation of May 30, 1928,²² and the several international treaties of July 11, 1928, relative to the exportation of certain raw materials.²³

On the face of things, recent practice in Italy is veering to the constitutional procedure proposed by Giolitti, then prime-minister, who in 1920 introduced proposals with the view of requiring legislative approval of all treaties.²⁴ The trend in this direction should not, however, be misconstrued. The government retains the clear legal and constitutional right of ratifying all treaties without any parliamentary approval; it has adopted a more liberal policy merely as a gesture which it may safely make in view of the strength of its support in the legislature. There is no record in recent years of the Italian parliament withholding approval of a proposed international treaty; nor, under present circumstances, is such action likely. Should the legislature, however, by any chance assume an independent attitude and commit the political sin of refusing its approval, the government could, and would, in all probability, resort to its prerogative and put an end to the interesting practice which appears to be gaining headway.

H. ARTHUR STEINER.

University of Michigan.

Norway Moves Toward the Right. Losses by the Labor party—looked upon as one of the most radical of Western European labor parties—and gains by the non-socialist groups at the Storting elections on October 20, 1930, resulted in a notable, though not a decisive, move toward the right in Norwegian parliamentary politics. The move was a remarkable one in that the Labor party lost 12 of its 59 seats in the Storting; the Conservative party added 13 to the 31 seats it already held; and the Communists, who had held three seats, were unable to elect a single representative. The move lacked decisiveness, however, because the Laborites, in spite of their losses, still constitute the largest parliamentary party. At the same time, the popular vote registered for the party was the largest ever given to any Labor or

²² L.N.T.S., xcv, 183; approved by law on December 31, 1928 (no. 3495) and ratified on April 29, 1929.

²³ L.N.T.S., xcv, 257, 373; approved by law on June 27, 1929 (no. 1033) and ratified on June 29, 1929.

²⁴ G. Giolitti, *Memoirs of My Life* (London, 1923), 415, explains his object in introducing the proposal of June 24, 1920.

Socialist group in the history of Norway. The Conservatives did not take over the government, and the Radical government under the premiership of Mowinckel continued. While the Radicals joined with the other non-socialist parties in the fight against Labor, it advocates, nevertheless, a progressive social program. Furthermore, the present move to the right is not nearly so marked as was the move to the left in the last triennial election in 1927. The new Storting remains farther to the left than was the Storting before the 1927 elections.

The chief reason why this election deserves attention is that in it there were placed before a literate, alert, and intelligent electorate—representing a homogeneous people with a democratic background—vital issues involving the acceptance or rejection of an advanced socialistic program. The Laborites admitted that their party was a socialistic, and therefore in a broad sense a revolutionary, party. In fact, many of their leaders boasted of it and spoke with approval of the Russian experiment; some even hinted at a Labor dictatorship. While the party has no connection with Moscow, and was opposed by the small but vigorous Communist party, which is a member of the Third International, the labor platform clearly stated that the aim of the party is to prepare for and establish a socialistic society. Some of the immediate proposals of the party were: a heavy tax on all private fortunes; an inheritance tax so graduated as to fall heavily on large estates; the abolition of sales taxes; government aid to home-builders; greater government control of natural resources; repeal of laws hostile to trade unions; social insurance; raising of educational standards, including the furnishing of all school materials at public expense; and complete disarmament. Incidentally, the party favored the strict enforcement of liquor laws.

While the Labor party unequivocally advocated the adoption of socialism, each of the other leading parties just as clearly took a firm stand in support of the present capitalistic order. Alarmed by the marked increase in the Labor vote in the 1927 elections, and by the aggressive and well-organized campaign being waged by Labor, the Conservative, Radical, and Agrarian parties united against the common foe. Even the Radicals, who, on the basis of their traditions, might be expected to sympathize with a moderate socialist view, were emphatic in their opposition to Labor. Premier Mowinckel, the Radical leader, said several weeks before the election: "Overshadowing all

other questions in this campaign is the fight against the Labor party."¹

In spite of their unanimity in combatting socialism, the three non-socialist² parties were by no means similar in program, constituency, or tradition. At the extreme right is Høire³ (literally, the Right, but loosely translated as Conservative), organized while Norway was still united with Sweden, and with a program consistently favoring protectionism and *laissez faire*, and opposing innovation, including prohibition. Some of the most representative and influential of Norwegian leaders have been among its members. The traditional opponent of the Conservative party is Venstre (literally the Left, but loosely translated as Radical), which has championed low tariffs, government control of industry, unemployment insurance, and prohibition. It, too, has numbered some of the most prominent of Norwegian statesmen in its ranks, and, like the Conservative party, has a long and honorable record of service. The Bondeparti (properly translated Agrarian) is of more recent origin, the present organization being founded about 1920. Its opponents claim, and with some justice, that it is a class party. It draws most of its support from the rural areas, but much of its program is akin to that of the Conservatives. It is the only one of the four major parties that has not as yet formed a cabinet. Some of its members, however, have been in coalition cabinets.

The arch-enemy of all these, the Labor (Arbeider) party, was first established in 1887. It was later affiliated with the Third International. The present party, however, is a product of a combination of that part of the old Labor party which in 1923 broke its connections with Moscow and the former Social Democratic party, which was particularly powerful shortly after the World War.

The campaign was colorful and intensive. Loud-speakers, automobiles, and aeroplanes were called into service. House to house can-

¹ Quoted in *Arbeiderbladet* (Oslo Labor daily), October 8, 1930.

² *Borgerlige* was the term regularly used by both the socialist and anti-socialist press in designating the groups opposing socialism. Perhaps the phrase "bourgeois parties"—or "people's parties"—might be used in translation; but as neither is entirely accurate, the term "non-socialist" will be used when referring to the *borgerlige* parties.

³ The members of the Storting are seated according to districts, like those of the Swiss National Council. Nevertheless, the terms Right and Left are used in the same sense as in German and French politics.

vasses were made by personal interviewers, especially by workers representing the Labor party. The voters were bombarded with pamphlets, and the newspapers representing the various parties were filled with partisan propaganda. Through it all, however, there was no mistaking the issue. It would be hard to find a campaign in any land in which the lines were so clearly drawn between socialism and capitalism; and nowhere, not even in England, could any more complete freedom of expression be found. Each side was guilty of exaggeration, and the words "liar" and "hypocrite" were frequently used.

The non-socialists devoted most of their time and space to demonstrating the revolutionary character of the Laborites. "The Norwegian Labor party," said a prominent Conservative Oslo paper,⁴ "has the same aim as the Russian Labor party—to establish a socialistic society." "Will Stalin be able to conquer a new province? Shall Norway now join the Soviet union?," asked a writer in the same journal.⁵ Conditions in Russia were constantly described in the most unfavorable light. The Labor party was also pictured as an enemy of organized religion. While there is no evidence that the church as an organization took any direct part in the contest, there is no doubt that churchmen generally were strongly in sympathy with the non-socialist groups. The dangers of a dictatorship of the proletariat were emphasized, and several Labor leaders laid themselves open to attack on this point by speaking of the possible necessity of a dictatorship in making the transition to a socialistic state. The non-socialist press made constant appeals to the laboring class, stressing the point that the heavy taxes accompanying a socialist régime are in the final analysis paid by those who labor. The Oslo city administration, now in control of the socialists, was sharply criticized by the non-socialists as an expensive experiment, and was as heartily championed by the Laborites, who claimed gross mismanagement in Norwegian cities controlled by the Conservatives.

The leaders of the Labor party did not try to dodge the issue. They claimed to be a revolutionary party in the best sense, and admitted that the election was a choice between two political philosophies.⁶ They insisted that the non-socialists were without a positive program, and

⁴ *Ukens Nytt*, October 7, 1930.

⁵ *Ibid.*, October 16, 1930.

⁶ *Arbeiderbladet*, October 15, 1930.

were trying to becloud the issues and terrorize the voters by talk about Russia and the menace to organized religion, thereby diverting attention from the deplorable conditions, including unemployment, existing in Norway, under a capitalistic order. Unemployment in the richest country in the world—the United States—was mentioned as an indication of the failure of capitalism. The Laborites disclaimed any opposition to organized religion, and, in an endeavor to show that whenever the established order is threatened by a strong party the issue of religion is unfairly raised, printed in full an attack made in 1883 by the Conservatives on the Radicals who in that earlier period were called enemies of the church and of Christianity.⁷ Disarmament was also an issue, with the Labor party demanding complete adoption of it. The Conservatives—especially the militarists in the party—agitated for national defense, and the problems involved in the complete disarmament of a small nation were discussed in much the same way as in the memorable “disarmament election” in Denmark in April, 1929. The question of disarmament, however, did not become a major issue, and the election was in no sense tantamount to a referendum on it.

The spirited campaign was continued in the press up to and including election day, and public interest was so great that 85 per cent (estimated) of the eligible voters went to the polls or used the absent voters' ballot. In Oslo, 84.9 per cent of those eligible voted.⁸ Citizens of both sexes over twenty-three years of age who have resided in the country five years or more may vote.

Members of the Storting, 150 in number, are elected by the list system of proportional representation. The country is divided into 29 districts, 18 of which are rural and 11 urban, with from three to eight members from each district. By constitutional provision, two-thirds of the total membership must come from the rural areas; hence the 18 rural districts choose 100 members. For the first time in Norwegian history, women have been chosen to full membership⁹ in the Storting, by the election of a woman from Oslo and another from Bergen, both Conservatives. Very few women were found among the candidates, although Norway has had woman suffrage for many years.

⁷ *Arbeiderbladet*, October 16, 1930.

⁸ *Ukens Nytt*, October 22, 1930.

⁹ In a few instances, women have previously been chosen as alternates.

The following table¹⁰ shows the results of the election as compared with the 1927 election:

	1927		1930			
	Popular Vote	Members Elected	Popular vote	Members Elected		
				Urban	Rural	Total
Labor	368,100	59	333,210	29	18	47
Conservative ¹¹	254,910	31	351,747	20	24	44
Radical	172,886	30	257,816	25	8	33
Agrarian	148,874	26	138,868	25	—	25
Communist	40,061	3	30,589	—	—	0
Radical People's party	13,413	1	9,384	1	—	1
		<hr/> 150		<hr/> 100	<hr/> 50	<hr/> 150

BEN A. ARNESON.

Ohio Wesleyan University.

¹⁰ The figures for 1927 are taken from Paul Knaplund, "Norwegian Elections of 1927 and the Labor Government," in this *Review*, May, 1928; those for 1930, from *Ukens Nytt* and *Arbeiderbladet*.

¹¹ The figures for the Conservative party include the small Independent Liberal party, which coöperates closely with the Conservatives.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Special Notices. The committee in charge of the program for the 1931 meeting of the American Political Science Association hereby requests the assistance of as many Association members as possible. Some may be engaged upon research studies which they would be willing to present for discussion and comment at one of the sessions. The committee would be very grateful to be so informed. It likewise urges members to offer suggestions concerning the content or procedure to be followed in developing the program. Communications should be addressed to the chairman, Professor John M. Gaus, of the University of Wisconsin, or to any other member of the committee (see p. 181 below).

The reorganized Committee on Policy of the American Political Science Association (see p. 179 below) has authorized its Sub-Committee on Personnel to proceed at once to reestablish the personnel and placement service which was conducted a year ago experimentally. Although the announcement comes late in the year, it is believed that considerable help can be given persons who expect to obtain the doctorate in political science between now and next summer. For the time being, communications may be addressed to Professor William Anderson, of the University of Minnesota.

Professor Frederick A. Cleveland, who went to China with the Kemmerer mission and has since been made chief of the salt administration under the Nationalist government at Nanking, has resigned his professorship at Boston University.

Professor J. R. Hayden, of the University of Michigan, is serving, from November to March, as visiting Carnegie professor at the University of the Philippines. While in the Far East, Professor Hayden expects to revisit Korea and Formosa and to go to French Indo-China.

Professor George H. Sabine, of Ohio State University, has accepted a professorship of philosophy at Cornell University. He will continue to give part of his teaching and research time to political theory.

Professor Clyde Eagleton, of New York University, will conduct Professor Quincy Wright's courses at the University of Chicago during the spring quarter.

Professor Pitman B. Potter, who since February, 1929, has been conducting courses and seminars in the Institute of Higher International Studies at Geneva, has returned to his work in the department of political science at the University of Wisconsin.

Professor Thomas H. Reed, who gave courses at Harvard in the second semester of 1929-30, is again in residence at the University of Michigan.

Dr. Albert R. Ellingwood has been promoted to a full professorship of political science at Northwestern University.

The governor of Michigan has appointed Professor James K. Pollock, Jr., a member of a commission which is to recommend changes in the election laws of the state.

At Iowa State College, Mr. Herbert D. Cook has been promoted from assistant professor to associate professor of government. Mr. J. E. Kellenbach is a newly appointed instructor in government, and Mr. W. L. Coons, an additional part-time instructor in history and government.

At New York University, Drs. Charles Thach and Russell Forbes have been promoted to associate professorships of government. Dr. Morley Ayearst, formerly at Princeton, has been appointed to an instructorship, and Messrs. A. J. McCorkle, of Princeton, and H. V. Thornton, of Oklahoma, have been made assistant instructors.

Mr. Roy I. Kemmel, a graduate student in government at Yale University, was elected to the Connecticut legislature last November in the Democratic landslide in which Dr. Wilbur L. Cross, former dean of the Yale Graduate School, was elected governor.

Dr. Ernest Trimble, of New York University, has resigned to accept the chairmanship of the department of political science at Lincoln University, Tennessee.

Professor René W. Pinto has resigned his position at Valparaiso University to accept a research and editorial position with the Division of International Law of the Carnegie Endowment for International Peace.

Mr. Campbell B. Beard, formerly instructor in political science in the University of Texas, and more recently a graduate student and assistant in government at Harvard University, is an instructor in political science this year at Brown University.

Professor John R. Mez, of the University of Oregon, has returned from a six months' journey around the world, undertaken to study international political developments in Europe, India, and the Far East. While in China and Japan, Professor Mez lectured on international affairs before several universities, the Pan-American Club, and the Japanese League of Nations Association.

Union College announces that the following persons will give one lecture each on the Joseph P. Day Foundation during the present academic year: Professors Roland S. Morris, H. L. ...

law and diplomacy at Columbia from 1891 to 1924, and was president of the American Political Science Association in 1914.

The seventh session of the Institute of International Relations was held at Mission Inn, Riverside, California, on December 7-12. Round tables, special conferences, and evening lectures covered a very wide range of topics and enlisted the services of numerous competent people academically and otherwise.

The fourth annual session of the Institute of Citizenship at Emory University was held on February 10-13. The principal topic for discussion was the reorganization of state government in the South, but some attention was given also to the national civil service system, problems of central Europe, the League of Nations, and other subjects. The lecturers included Professor Manley O. Hudson, of the Harvard Law School, and Mr. T. P. Conwell-Evans, of London, England.

The third annual session of the Institute of Statesmanship, under the auspices of Rollins College, was held at Winter Park, Florida, on January 5-10. The sessions were devoted chiefly to discussions of our changing economic life as revealed in the progressive integration of American business and its apparently declining individualism. Among the lecturers and conference leaders were Professors Harold R. Bruce, of Dartmouth College, William Z. Ripley, of Harvard University, and Kirk H. Porter, of the State University of Iowa.

The faculty of law of Northwestern University, administering the income of the Charles Clarence Linthicum Foundation, announces that a first prize of one thousand dollars and five second prizes of one hundred dollars each will be awarded to the authors of the best monographs submitted by December 15, 1931, on the following subject: A Comprehensive Critique of the International Chamber of Commerce Committee's 1930 Draft Convention for the International Protection of Industrial Property.

The comprehensive survey of the state of Maine made by the National Institute of Public Administration was delivered to Governor William T. Gardiner some months ago, and has been printed both by the press and in book form. During the autumn the governor

organized a citizens' committee of six hundred members and held regional meetings in the larger cities of the state, at which members of the citizens' committee, legislative members, and representatives of the general public took part in discussing the Institute's recommendations. On the basis of this, the governor and his advisers prepared a program for submission to the legislature at its present session.

Beginning in January, 1930, the Committee on Uniform Crime Records, Mr. Bruce Smith, director, has published monthly bulletins on uniform crime reports. Four hundred police jurisdictions were represented at the outset, including practically all of the large cities, and in the course of a few months the number was increased to about eight hundred. In June, 1930, President Hoover signed the committee's bill formally establishing the National Division of Identification and Information in the Department of Justice and authorizing the Division to collect, compile, and distribute criminal information. Shortly thereafter, Attorney-General William D. Mitchell accepted the system of uniform crime reporting developed by the committee, and since September 1 the reports have been official and handled by the Department of Justice.

Dr. John W. Burgess, professor of political science and constitutional law at Columbia University from 1876 to 1912, and dean of the faculty of political science from 1890 to 1912, died in Brookline, Mass., where he was visiting, on January 13. Born in Giles county, Tennessee, in 1844, he served for two years in the Union army, afterwards returning as a student to Amherst College, from which he was graduated in 1867. He thereupon studied law and was admitted to the bar in 1869, but never practiced. After two years of teaching at Knox College, he studied history and public law at Göttingen, Leipzig, and Berlin, returning to Amherst as a professor in 1873 and transferring to Columbia in 1876. At the latter institution he attempted to introduce instruction in general public affairs in the Law School. Balked in this plan, he persuaded the trustees to permit him to set up a School of Political Science, which he founded in 1880. A celebration at Columbia of the fiftieth anniversary of the establishment of this school was mentioned in the last number of the *Review*. During his long academic career Professor Burgess served on several occasions as visiting professor at German and other European universities and was honored with decorations by two foreign countries. His publications

included *Political Science and Comparative Constitutional Law* (1890), *The Reconciliation of Government and Liberty* (1915), *America's Relations to the Great War* (1916), *The Russian Revolution and the Soviet Constitution* (1919), and *The Transformation of the Constitutional Law of the United States Between 1898 and 1920* (1921).

A committee has been formed to plan and supervise the publication of fundamental sources illustrating the evolution of American law, with special attention to the unprinted records of the more important courts of the seventeenth and eighteenth centuries. The committee consists of Professors Evarts B. Greene, of Columbia University, chairman, Felix Frankfurter, of the Harvard Law School, Charles M. Andrews, of Yale University, and John Dickinson, of the University of Pennsylvania Law School, and Chief Judge Carroll T. Bond, of the Maryland Court of Appeals. Dr. Richard B. Morris, of the College of the City of New York, is secretary.

The social science exhibit of the world's fair to be held at Chicago in 1933 is in process of organization. The general committee appointed by the Social Science Research Council consists of Dr. E. B. Wilson, chairman; President Robert M. Hutchins, of the University of Chicago; President H. W. Chase, of the University of Illinois; Secretary R. L. Wilbur; Mr. Shelby Harrison, of the Russell Sage Foundation; Dr. Harold G. Moulton, of the Brookings Institution; and Professor Frederic L. Paxson, of the University of Wisconsin. Professor Howard W. Odum, of the University of North Carolina, has been selected as director of the social science exhibit, and will give full time to the work until the exhibit is completed. An advisory committee will be appointed. The exhibit is intended to be of a scientific character, but at the same time carrying a popular appeal. The underlying idea will be to show the progress in social organization during the last hundred years.

The University of Chicago has reorganized its graduate schools with the purpose of establishing four divisions, of which the division of the social sciences is one. In this division are coordinated the departments of education, economics, political science, history, sociology, anthropology, home economics, and geography. Each division will have a dean; for the social sciences, this official will be Dr. Beardsley Rumel. As a result of this reorganization, it is thought that there will be

flexibility in the work of the graduate schools, although candidates will continue to be presented for advanced degrees by the respective departments. As an illustration of the type of modification made possible by the new arrangement, a committee on international relations has been established, consisting of Robert M. Hutchins, Quincy Wright, Ellsworth Faris, Samuel N. Harper, Charles E. Merriam, H. D. Gid-
onse, William F. Ogburn, B. E. Schmitt, Donald Slesinger, G. Taylor,
and Jacob Viner. This committee will have the same authority to recommend for degrees as one of the recognized departments.

The fourth institute of municipal affairs under the auspices of the Bureau of Municipal Affairs at Norwich University, Professor K. R. B. Flint, director, was held on January 14-15, during the week following the opening of the General Assembly. Among subjects scheduled for discussion were municipal planning, public safety, education for public service, municipal finance, and the formation of a Vermont league of municipalities. A meeting of the New England City Managers' Association was held in conjunction with the institute.

A Public Administrative Clearing House has been incorporated in Illinois with an impressive list of sponsors, including ex-Governor Frank O. Lowden as chairman of the board of trustees, ex-Governor Harry Byrd as vice-chairman, Mr. Richard S. Childs as treasurer, Mr. Chester H. Rowell, and Mr. Louis Brownlow. The last-mentioned, it is announced, will serve as director and secretary. The new organization will seek to make available to all governmental units, public officials, and government research organizations in the United States and Canada the latest research results and other information and data of service to them in their work.

The American Legislators' Association has established headquarters adjacent to the University of Chicago, and its director, Senator Henry W. Toll of Colorado, has been appointed lecturer in the department of political science. A board of managers has been created; advisory boards have been appointed on legislative efficiency, administrative efficiency, courts, taxation, education and research, transportation and communication, health, mental hygiene and eugenics, crimes and criminals, social welfare, and agriculture and livestock; and house and senate councils, of five members each, have been set up in every state of the Union. The Association's organ, *State Government*, will hence-

forth be published monthly, under the managing editorship of Professor Rodney L. Mott, of the University of Chicago, and will be sent to each of the 7,500 members of state legislatures. Every state is to be encouraged to maintain an adequate legislative reference bureau.

The second conference on the teaching of undergraduate courses in the social sciences, in a series which is expected to go on from year to year, will be held at Northwestern University on April 3-4. The first conference was held at Northwestern on April 18-19, 1930. One hundred and thirty-one instructors in economics, history, philosophy, political science, psychology, sociology, and anthropology were in attendance, representing fifty-six colleges in the Middle West. The first general session was devoted to a consideration of the general orientation course in the social sciences, with addresses by Professors Charles W. Coulter, of Ohio Wesleyan University, Lynn E. Garwood, of Coe College, Ferguson R. Ormes, of Wabash College, and George J. Cady, of Northwestern University. In the afternoon the conference met in five round-tables to discuss the introductory course in each of the social sciences. The questions to which particular attention was directed were: (1) What should the introductory course be? (2) What should it contain? (3) What is the best method of teaching it? In the political science round-table, Professor Karl F. Geiser, of Oberlin College, was the presiding officer, and the discussion was led by Professors O. Garfield Jones, of the University of the City of Toledo, J. J. Sherman, of the College of the City of Detroit, and Florence E. Janson, of Rockford College. The members of the conference were the guests of Northwestern University at a dinner in the evening, at which Dean James A. James presided and Dr. Alvin S. Johnson spoke on the making of the new *Encyclopedia of the Social Sciences*. At the final session the subject for discussion was: What constitutes a minimum college program in the social sciences? Professor John A. Lapp, of Marquette University, was the presiding officer, and addresses were made by Professors Waldo F. Mitchell, of DePauw University, A. W. Newcombe, of Knox College, John H. Farley, of Lawrence College, Howard White, of Miami University, Delton Howard, of Northwestern University, and E. H. Shideler, of Franklin College. The committee in charge of arrangements consisted of the following members of the faculty of Northwestern University: A. R. Ellingwood (chairman), J. W. Bell, I. J. Cox, Franklin Fearing, E. L. Schaub, and A. J. Todd.

The International Institute of Public Law met for its fourth annual session in the chambers of the Faculty of Law, Paris, on October 16 and 17. The sessions received a great deal of attention throughout Europe and were attended by an unusual number of representatives of the press. The Institute has sponsored the publication of *Annuaire de l'Institut International de Droit Public*, containing a resumé of the important changes in constitutions and constitutional laws in the leading countries of the world during the year preceding publication. At the October meeting it was announced that a second volume of some 1,500 pages will soon be published. Professor Fleiner, of the University of Zurich, was elected president, to succeed Professor Jèze, of the Faculty of Law of Paris. The newly chosen members of the executive council are: Professor Jèze and Professor Barthélemy, of the Faculty of Law of Paris; President Lowell, of Harvard University; M. Politis, of Greece; and Professor Thoma, of the University of Bonn. Professor Jellinek, of the University of Heidelberg, Professor Bruns, of the University of Berlin, and M. Teissier, of the Académie des Sciences Morales et Politiques were made honorary members. Several new associate members were elected, among these being Professor H. J. Laski, of the University of London. The first three sessions of the October meeting were devoted to discussion of *actes de gouvernement*. Papers were read by Professor Duez, of the University of Lille, Professor Laun, of the University of Hamburg, and Professor Jellinek, who presented a paper prepared by Professor Smend, of the University of Berlin. The fourth session was devoted to consideration of popular referenda on legislation in parliamentary countries. Papers were presented by Professor Thoma and Professor Mirkine-Guetzevitch, secretary-general of the Institute, provoking a discussion which revealed no little difference of opinion as to the referendum's utility. Among members who joined in the debate were President Fleiner, Professor Jèze, and Professor John A. Fairlie, of the University of Illinois. In view of the unusual interest displayed, it was decided to devote the fifth annual meeting of the Institute to consideration of the popular referendum. The following were designated *rapporteurs* for the 1930 session: Professor John A. Fairlie, Professors Barthélemy and Rolland of France, Professors Jellinek, Schücking, and Kaufman of Germany, Professor Herrnritt of Austria, M. Gascon y Marin of Spain, and M. Vauthier of Belgium.

The First Northern Political Science and Public Law Congress. On September 3-6, a group of some one hundred twenty professors and experts in political science and public law from Denmark, Finland, Norway, and Sweden met in the halls of the University of Stockholm. The purpose of the conference, as indicated by its temporary chairman, Professor Nils Herlitz (who, together with Dr. E. Fahlbeck and the Swedish society Norden, was to a large degree instrumental in bringing it about), was to give expression to the close relation between the fields of politics and law, to bring together the men who both in theory and practice deal with these subjects, and to build a new bridge uniting the Scandinavian countries, particularly the people in those countries who interest themselves in the teaching and application of law and government.

The gathering included not only professors and students of the northern universities, but also a number of men with long experience in the governmental affairs of Scandinavia. The permanent chairman, the University Chancellor L. Ernst Trygger, has occupied the posts of prime minister, foreign minister, and minister of justice in Sweden. One of the vice-chairmen, Dr. Rafael Erich, is the Finnish minister to Sweden, was formerly prime minister of Finland, and has more recently been chosen one of the deputy judges of the Permanent Court of International Justice. Another vice-chairman, Mr. Lars Oftedahl, is a member of the present Norwegian cabinet. The opening session, as well as some of the succeeding meetings, was attended by Prime Minister Ekman, Minister of Justice Gärde, and several other Swedish and Scandinavian statesmen.

At sessions held in the mornings and afternoons, papers were read, after which spirited discussion occurred, continuing at the luncheons and dinners. On one day the meetings were held at the University of Uppsala, and the delegates had an opportunity to see this venerable institution, one of the oldest in Europe and the world. The city of Stockholm entertained the members at an elaborate dinner in the city hall, and another memorable evening was spent on the grounds of the Stockholm Exposition.

The papers were of high caliber and wide variety. The meeting opened with a discussion by Professor Herlitz, of Stockholm, on the subject, "Characteristic Features of Swedish Public Law." The next speaker, Professor Frede Castberg, of Oslo, gave a particularly seasoned account of "The Power of Courts to Declare Laws Unconstitutional."

In this paper, not only the situation in Scandinavia was traced but many cases familiar to the American political scientist and constitutional lawyer were mentioned, even some decisions of our early colonial courts. Other speakers were S. R. Björkstén, of Helsingfors, who told "How Finland Developed into a Democratic, Parliamentary Republic;" A. Ross, of Copenhagen, who in a discussion of "The League of Nations and State Sovereignty" deplored the fact that so much emphasis has been placed by the League on the "equality of states" and held that the small states exercise a power altogether out of proportion to their actual importance. This was a rather surprising point of view to be taken by the representative of a small state, and it produced a somewhat spirited reaction in the Swedish press.¹ Another interesting paper was read by Professor Georg Andrén, of Gothenburg, dealing with parliamentarism in Sweden. In his discussion, Andrén, who is one of the four or five best known professors of political science in Sweden and a former Conservative member of the Riksdag, pointed out that parliamentarism in Sweden has not achieved the results that its champions have hoped for. There have not been powerful governments resting upon strong majorities in Parliament. Almost all of the ministries have been of the minority type, and since the autumn of 1917 nineteen months has been their average life. The Riksdag overshadows the government, and there has developed too great power on the part of the committees.

In the discussion following this address representatives of the other three countries traced the situation in their respective lands. Mr. Myer, of Copenhagen, stated that in Denmark there has been considerable increase of power on the part of the minister of finance, but said that the same has been true of the financial committee of Parliament. Criticism of the parliamentary system in Denmark is largely confined to those who are dissatisfied with the high taxes. In Norway, according to the minister of commerce, Lars Oftedahl, the situation is somewhat different. Before the introduction of parliamentary government, the committees of the Storting exercised great power; but since that time, development has been in the opposite direction, and now it is well recognized that, especially in affairs of the budget, the power should rest in the hands of the government. Even in Norway, however, the orthodox conception of parliamentary government, namely, that the government should rest upon the confidence of a

¹ See, for instance, *Nya Dagligt Allehanda*, September 5.

majority of its own political faith in the legislative body, has hardly been approximated. There is rather a negative conception, due largely to the differences within the parties in the chambers, which makes possible the building of governments supported by an absolute majority and which may have long tenure of office. Minister Erich of Finland recalled that in his country parliamentary government was not introduced until 1917, and that therefore there may be just reasons for the lack of faith which many as yet evidence toward it. The building of a government in Finland is frequently a difficult matter because of personal considerations, and the average life of a ministry has been only about ten months. The position of the president under the constitution, as well as the personal strength of the chiefs of state, has to some extent ameliorated these difficulties. One consequence of minority governments, however, has been that the party represented in the ministry frequently forgets all about its program in order to remain in office and not to risk its position. This, together with other features, has led to no little dissatisfaction with the existing régime.

At the last session of the congress, the question of permanent organization was discussed. It was felt by everyone that the continued coöperation of northern scholars and statesmen in these fields was both desirable and necessary, and that conferences similar to the present one might profitably be held every three or four years. A committee was created within each country to work in conjunction with the others in making further arrangements with this end in view. That the 1930 congress aroused considerable interest throughout Scandinavia was evidenced by the active collaboration of members of the four governments and the large amount of space given the proceedings, not only by the Stockholm press, but by the leading papers of outlying smaller cities.

ERIC CYRIL BELLQUIST.²

University of Uppsala.

Twenty-Sixth Annual Meeting of the American Political Science Association. By common agreement, the twenty-sixth annual meeting of the Association, held at the Hotel Statler, Cleveland, Ohio, on

² The writer, formerly a fellow in the department of political science at the University of California, holds travelling fellowships from the American-Scandinavian Foundation and the University of California for the study of government and politics in Scandinavia, and was present at the meeting described.

December 29-31, 1930, was one of the most interesting and important in the history of the organization. The registered attendance was 317, as compared with 127 at New Orleans in 1929, 235 at Chicago in 1928, and 292 in Washington in 1927. The papers and addresses were generally of a high order, and the round tables, though in some instances overcrowded, were very successful. Exceptional zest, furthermore, was lent the entire occasion by the announcement of a substantial grant from the Carnegie Corporation, extending over a period of four and one-half years, for broadening the work of the Association.

The program, in full, was as follows:

MONDAY, DECEMBER 29

10:00 A.M. Round-Table Meetings.

A. *International Law and Relations.*

James W. Garner, University of Illinois, director.

Charles S. Hyneman, University of Illinois, secretary.

Monday: Some Tendencies in the Development of International Law: Effects of the Covenant of the League of Nations and the Briand-Kellogg Pact.

Quincy Wright, University of Chicago.

The Present Status and Outlook for the Codification of International Law.

Jesse S. Reeves, University of Michigan.

Tuesday: Desirability of the Farther Extension of the Empire of International Law Over the Fields of Economic and Commercial Relations.

Charles G. Fenwick, Bryn Mawr College.

Recent Progress in the Development of Institutions and Processes for the Advancement of International Peace: An Evaluation.

Charles E. Martin, University of Washington.

National Control of Foreign Investments.

Walter H. C. Laves, Hamilton College.

Wednesday: Trends Toward the Internationalization of the Control of Industry, Finance, and Commerce:

International Organs of Control.

Joseph P. Chamberlain, Columbia University.

Forms of International Combinations and the Reasons Therefor.

Herbert Feis, University of Cincinnati.

International Control of Finance.

John J. Madden, New York University.

B. *Public Opinion and the Behavior of Voters.*

Arthur N. Holcombe, Harvard University, director.

Francis G. Wilson, University of Washington, secretary.

Monday: *The Measurement of Public Opinion, With Special Reference to National Opinion.*

Harold D. Lasswell, University of Chicago.

Discussion led by: Stuart A. Rice, University of Pennsylvania, and Francis G. Wilsen, University of Washington.

Tuesday: *The Interpretation of Elections, with Special Reference to the Recent German Reichstag Elections.*

James K. Pollock, University of Michigan.

Discussion led by: Roger L. Wells, Bryn Mawr College, and H. F. Gosnell, University of Chicago.

Wednesday: *What is Represented by Means of Proportional Representation, with Special Reference to Cleveland and Cincinnati.*

R. C. Spencer, Western Reserve University, and S. Gale Lowrie, University of Cincinnati.

C. *Political Theory.*

Francis W. Coker, Yale University, director.

Allan F. Saunders, University of Minnesota, secretary.

Monday: *Is There a Peculiarly American Theory of the State?*

Benjamin F. Wright, Jr., Harvard University.

Discussion led by: R. M. Maciver, Columbia University, and J. Mark Jacobson, University of Wisconsin.

Tuesday: *Possible Ways of Correcting or Limiting Democracy in the United States.*

William S. Carpenter, Princeton University.

Discussion led by: Walter C. Shepard, Ohio State University, and W. Y. Elliott, Harvard University.

Wednesday: *The Future for American Progressivism.*

Bruce Bliven, editor of *The New Republic*.

Discussion led by: Clyde L. King, University of Pennsylvania.

D. *Public Administration.*

John M. Gaus, University of Wisconsin, director.

Marshall E. Dimock, University of California at Los Angeles, secretary.

Monday (joint session with Round-Table F and American Association for Labor Legislation) *State-Federal Cooperation in Labor Legislation.*

Presiding Officer: Joseph P. Chamberlain, Columbia University.

Advantages of Federal Aid.

John J. Lee, Michigan State Supervisor of Industrial Cripple Rehabilitation.

Dangers of Federal Encroachment.

James M. Beck, National Association of Manufacturers.

The Indestructible Union of Indestructible States.

Noel T. Dowling, Columbia University Law School.

Discussion led by: Bernard Shientag, Supreme Court, New York; Tracy Copp, Federal Vocational Rehabilitation Service, Washington, D.C., and Edwin E. Witte, Wisconsin Legislative Reference Library.

Tuesday: Training for the Public Service.

Discussion led by: Harold W. Dodds, Princeton University; Morris B. Lambie, University of Minnesota; Samuel C. May, University of California; William E. Mosher, Syracuse University; John C. Pfiffner, University of Southern California; and L. D. White, University of Chicago.

Wednesday: The Outlook for the Study of Public Administration.

Discussion of possible aids to the study of public administration through the development of the program of future round-tables in this field, through comparative studies in different parts of the country, through cooperation with various organizations, or in other ways.

E. Legislatures and Legislation.

Augustus R. Hatton, Northwestern University, director.

Martha Ziegler, Northwestern University, secretary.

Monday: Is There a Crisis in Legislatures?

Discussion led by: Carl J. Friedrich, Harvard University; James K. Pollock, University of Michigan; Robert K. Gooch, University of Virginia; Robert J. Bulkley, U. S. Senator from Ohio; Robert Crosser, M.C.; Chester C. Eolton, M.C.

Tuesday: The Study of Legislatures.

Discussion led by: H. W. Dodds, Princeton University; Herman C. Beyle, Syracuse University; Harvey Walker, Ohio State University; Martha Ziegler, Northwestern University.

Wednesday: Technical Assistance to Legislatures.

Discussion led by: Arthur A. Schwartz, Legislative Reference Division, Ohio State Library; William B. Belknap, Vice-President American Legislators' Association; L. L. Marshall, Ohio State Senate; W. A. Greenlund, Ohio State Senate; John A. Lapp, Marquette University; De Witt Billman, Illinois Legislative Reference Bureau; Edwin E. Witte, Wisconsin Legislative Reference Library.

F. Public Law and Jurisprudence.

Edward S. Corwin, Princeton University, director.

A. T. Mason, Princeton University, secretary.

Monday: Joint Session With Round-Table D and American Association for Labor Legislation. (See program for Round-Table D, above.)

Tuesday: *The Articulation of National and State Government.*

James T. Yung, University of Pennsylvania.

Recent Developments in the National Police Power.

Robert E. Cashman, Cornell University.

Regulation of Super-Power.

Ben A. Arneson, Ohio Wesleyan University.

Discussion led by: T. R. Powell, Harvard University; Walton Hamilton, Yale University; and O. P. Field, University of Minnesota.

Wednesday: *The Nature of Legal Rules.*

John Dickinson, University of Pennsylvania.

The Relations of Courts and Administrative Bodies in Rate Regulation.

Richard J. Smith, Yale University.

Sovereignty and Law.

Walter F. Sandelius, University of Kansas.

12:30 P.M. **Subscription Luncheon.**

Presiding Officer: Frederic A. Ogg, University of Wisconsin.

General Topic: *The British Commonwealth of Nations.*

The Imperial Conference of 1930.

W. Y. Elliott, Harvard University.

A Canadian View of Imperial Relations.

F. H. Underhill, University of Toronto.

3:00 P.M. **Section Meetings.**

I. *The Teaching of Government and Politics.*

Presiding Officer: Karl F. Geiser, Oberlin College.

Measuring the Results of the Teaching of Government to Undergraduates.

W. E. Mosher, Syracuse University.

The Problem of Teaching Government in Teachers' Colleges.

Eugene Fair, President of Northeast Missouri State Teachers' College.

Some Recent Developments in the Method and Content of the Introductory Course in Political Science.

Russell M. Story, Pomona College.

II. *Comparative Government and Politics.*

Presiding Officer: Henry B. Spencer, Ohio State University.

The Personnel of French Cabinets Since 1871.

J. Gilbert Heinberg, University of Missouri.

Baltic Stability and Sharpening Revolution.

Malbone W. Graham, University of California at Los Angeles.

Political Resolutions and the Bureaucratic Culture Pattern.

Max S. Handman, University of Texas.

III. Colonial Government and Policies.

Presiding Officer: David P. Barrows, University of California.

The American Policy of Native Development.

Raymond L. Buell, Research Director of Foreign Policy Association.

Some Aspects of British Native Policy.

Lennox A. Mills, University of Minnesota.

Dutch Native Policy in the East Indies.

A. Vandenbosch, University of Kentucky.

IV. Local Government and Administration.

Presiding Officer: Harold W. Dodds, Princeton University.

County Government in Metropolitan Areas, with Special Reference to Cuyahoga County.

Leyton E. Carter, director of the Cleveland Foundation.

County Government in Metropolitan Areas, with Special Reference to Wayne County.

Lent D. Upson, director of the Detroit Bureau of Governmental Research.

Measuring the Effectiveness of Governmental Services.

Clarence E. Ridley, editor of *Public Management*.

8:15 P.M. Meeting Under Auspices of American Association for the Advancement of Science.

TUESDAY, DECEMBER 30.

10:00 A.M. Round-Table Meetings. (See program for Monday, December 29.)

12:30 P.M. Subscription Luncheon.

Presiding Officer: William B. Munro, Pasadena, Calif.

Progress Report From the Committee on Policy.

Thomas H. Reed, University of Michigan.

Recent Activities of the Social Science Research Council.

Robert T. Crane, University of Michigan.

3:00 P.M. Annual Business Meeting of the Association.

Presiding Officer: Benjamin F. Shambaugh, State University of Iowa.

Annual Reports of Secretary-Treasurer and Managing Editor of AMERICAN POLITICAL SCIENCE REVIEW.

Reports of committees and of Association representatives in other bodies.

Consideration of new plan for arranging programs of annual meetings.

Election of officers for 1931.

8:15 P.M. Presidential Addresses. (Joint meeting with the American Economic Association and the American Sociological Society.)

Presiding Officer: Edwin B. Wilson, President of the Social Science Research Council.

Regional and Folk Conflict as a Field of Sociological Study.

Howard W. Odum, University of North Carolina.

Economic Conflict as a Force Making for International Peace.

M. B. Hammond, Ohio State University.

The More Than.

Benjamin F. Shambaugh, State University of Iowa.

WEDNESDAY, DECEMBER 31

10:00 A.M. Round-Table Meetings. (See program for Monday, December 29.)

12:30 P.M. Subscription Luncheon.

Presiding Officer: Chester Lloyd Jones, University of Wisconsin.

General Topic: *New Parties for Old.*

The League for Independent Political Action and Party Realignment in the United States.

Paul H. Douglas, University of Chicago.

What Hopes for a Party Realignment?

Edward M. Sait, Pomona College [paper read by Arthur W. Macmahon, Columbia University].

Bruce Bliven, Editor of *The New Republic*.

2:30 P.M. Joint Session With the American Economic Association.

Presiding Officer: Charles A. Beard, New Milford, Conn.

General Topic: *The Public Power Problem.*

Ernest Gruening, editor of the Portland (Me.) *Evening News*.

Ralph L. Dewey, Ohio State University.

Discussion led by: Halford Erickson, Standard Gas and Electric Company, Chicago; Finla G. Crawford, School of Citizenship and Public Affairs, Syracuse University; Martin Glaeser, University of Wisconsin; and Irston R. Barnes, Yale University.

6:30 P.M. Subscription Dinner in Honor of New and Retiring Officers.

Toastmaster: Charles E. Merriam.

The Secretary-Treasurer reported a total membership of 1,819, composed as follows: life members, 47; sustaining members, 34; annual members, 1,613; associate members, 125. Of the total number, 570 are libraries. It was explained that an apparent decrease of membership during the year was due to eliminating duplications and errors, and that in point of fact there was an increase of 32.

The balance sheet, operating account, and trust fund account for the fiscal year ending December 15 were presented by the Secretary-Treasurer as follows:

BALANCE SHEET**December 15, 1930****Assets***Cash*

In Bank—Checking Account	\$ 601.60
In Bank—Savings Account	805.46
Petty Cash	4.71

Investments

U. S. Treasury Bonds	1,535.29
	<u>\$2,947.06</u>

Liabilities

None

Cash Net Worth of the Association	\$2,947.06
---	------------

Operating Account

Income and Expenses for the Fiscal Year Ended December 15, 1930, and Estimates of Income and Expenses for the Fiscal Year Ending December 15, 1931

<i>Income</i>	<i>Year Ended Dec. 15, 1930</i>	<i>Estimates for Year Ending Dec. 15, 1931</i>
Dues—Old Members—1930	\$6,068.59	
New Members—1930	403 75	
Old Members—1929	220 75	Prepayments \$ 400.00
Prepaid for—1931	810.50	Delinquent 400.00
Total Dues	\$7,503.59	Current 8,000.00
Special Contributions	135.00	135.00
Sales—Publications	245.09	\$ 240.00
Indices	8.00	10.00
Mailing Lists	48.00	50.00
Special Reprints	64.04	50.00
Advertising Contracts	429.47	350.00
Miscellaneous		450.00
Royalties	2.05	2.00
Interest	65.23	108.00
Total Income	<u>\$8,500.47</u>	<u>\$9,845.00</u>

<i>Expenses</i>	<i>Year Ended Dec. 15, 1930</i>	<i>Estimates for Year Ending Dec. 15, 1931</i>
Review Costs		
Printing	\$5,162.55	380.00
Reprints	372.33	
Managing Editor—		600.00
Honorarium	600.00	\$5,200.00

Miscellaneous	\$692.00		\$690.00	
Travel	125.88		100.00	
Honorariums to				
Contributors	388.84	\$7,341.60	400.00	\$7,370.00
Secretary-Treasurer				
Clerical and Stenographic ..	900.00		900.00	
Stationery and Postage	258.56		300.00	
Traveling Expense	284.91		150.00	
Auditing	59.50		40.00	
Miscellaneous	188.08	1,621.05	100.00	1,490.00
American Council of				
Learned Societies—Dues		45.00	45.00	
Annual Meeting Expenses ..		194.35	200.00	
Miscellaneous		343.52	25.00	270.00
Total Expense		9,545.52		\$9,130.00
Deficit for the Year		1,045.05	Estimated gain	715.00

Trust Fund

Cash on Hand in Fund—Dec. 15, 1929 (by previous report)	\$765.60
Correction of 5c Error Balance .....	.05
Leaves	\$765.55
Of this \$25.32 was Accrued Interest on U. S. Securities, due Dec. 15, 1929, but not collected until later	25.32
Actual Amount of Cash in Fund—Dec. 15, 1929	\$740.23
Actual Collections for the Fiscal Year 1929-1930	
On U. S. Securities	\$50.64
On Interest on Trust Fund	14.59
Actual Cash in Fund on Hand—Dec. 15, 1930	\$805.46

A protracted meeting of the Executive Council and Board of Editors on the 28th gave opportunity for an exceptionally full and spirited discussion of the Association's interests; and the annual business meeting was unusually well attended. The most important matters of business were those centering about the announcement by Professor Thomas H. Reed, for the Committee on Policy, that the Carnegie Corporation of New York had a few days previously voted to the Association a grant of \$15,000 a year for four and one-half years (a total of \$67,500), to be used in carrying out some of the proposals of the Policy Committee as adopted by the Association at the New Orleans meeting in 1929. In view of this development, the former

Committee on Policy was discharged, and a new one was authorized, on lines indicated in the following action taken by the Executive Council and duly reported to the Association:

There is hereby established a Standing Committee on Policy, to consist of the President of the Association, the Secretary-Treasurer, and the Editor of the AMERICAN POLITICAL SCIENCE REVIEW, ex officio, and of a General Chairman and twelve other members. There shall be four permanent sub-committees of the Committee on Policy, on Research, Political Education, Publications, and Personnel, each consisting of a chairman and two other members designated by the Executive Council at the time of their appointment. The General Chairman shall be a member of all sub-committees and the ex officio members may associate themselves with any sub-committee.

The Chairman and other members of the Committee on Policy shall be appointed by the Executive Council on the nomination of the President of the Association, for terms of three years, provided that of the members originally appointed one-third shall be appointed for one year, one-third for two years, and one-third for three years, and the first General Chairman for three years; and further provided that in order to secure the immediate organization of the Committee on Policy the General Chairman first appointed shall be nominated by the President of the Association elected for the year 1930 and that the other members of the Committee shall be nominated by the President for 1930, the President for 1931, and the Chairman of the Committee on Policy, subject to the confirmation of the Executive Council.

The Committee on Policy shall make a report in mimeographed or printed form at each annual meeting of the Association on its activities and those of its sub-committees, and the Committee on Policy and its several sub-committees shall keep minutes of their meetings, which shall be presented annually to the Association as part of its annual report.

The funds of the Committee shall be kept by the Treasurer of the Association in a separate account and shall be disbursed by the Treasurer upon vouchers approved by the General Chairman of the Committee on Policy. Such disbursements must be in accordance with the appropriations made by the Committee on Policy and with the terms on which the funds were received. The General Chairman is hereby authorized to make such preliminary expenditures as are necessary in completing the organization of the committee and in holding one meeting of each sub-committee prior to the first meeting of the full committee.

The Committee on Policy shall have power to solicit further funds for its work and may authorize any of its sub-committees to do the same.

The Committee on Policy shall have power from time to time to create special committees for the consideration of matters referred to it by the Association or the Executive Council, or which in its judgment may demand the services of a special committee.

With the approval of the General Chairman, each of the sub-committees of the Committee on Policy shall have power to add to itself for particular purposes such associate members as it may deem desirable.

The representatives of the American Political Science Association on the Social Science Research Council shall, as vacancies occur, be appointed by the President of the Association from among the members of the Committee on Policy.

The Committee on Policy appointed in accordance with the resolution adopted at the 1926 meeting of the Association is hereby discharged, with the thanks of the Association for its services.

The Association acknowledges with sincere gratitude the grant made by the President and Trustees of the Carnegie Corporation of \$15,000 a year for four and a half years.

In pursuance of this action, the appointive membership of the new Committee on Policy was announced as follows: General Chairman, Thomas H. Reed; Sub-Committee on Research, W. F. Willoughby (chairman), C. E. Merriam, and C. A. Beard; Sub-Committee on Political Education, H. W. Dodds (chairman), W. B. Munro, E. W. Crecraft; Sub-Committee on Publication, B. F. Shambaugh (chairman), A. N. Holcombe, Isidor Loeb; Sub-Committee on Personnel, William Anderson (chairman), Luther Gulick, Harvey Walker. It is expected that the general committee and sub-committees will be organized for work in the immediate future.

At the annual business meeting the following officers of the Association were elected for the year 1931: president, Edward S. Corwin, Princeton University; first vice-president, C. A. Dykstra, Cincinnati, Ohio; second vice-president, Miss Belle Sherwin, Cleveland, Ohio; third vice-president, J. Ralston Hayden, University of Michigan; secretary-treasurer, Clyde L. King, University of Pennsylvania; members of the Executive Council for the term ending December 31, 1933; Ben A. Arneson, Ohio Wesleyan University; Raymond L. Buell, Foreign Policy Association, New York City; Harold D. Lasswell, University of Chicago; Edward M. Sait, Pomona College; Edward N. Woodhouse, University of North Carolina.

Upon nomination of the Managing Editor, the Board of Editors of the AMERICAN POLITICAL SCIENCE REVIEW was continued unchanged, except that the resignation of Dean Walter J. Shepard was accepted and Professor Charles W. Pipkin, of Louisiana State University, was elected to fill the vacancy. The Managing Editor raised the question of converting the REVIEW into a bi-monthly, and discussion in the Council and business meeting was highly favorable to this departure as soon as adequate financial provision can be made.

With a view to a broader basis for the preparation of the program of the next annual meeting, the Executive Council recommended, and

the Association adopted, a plan under which, while primary responsibility continues to rest with a committee of five appointed by the President, each round-table and section at Cleveland was asked to designate one of its members to serve in an advisory capacity. The regular committee, as appointed by President Corwin, consists of Professors John M. Gaus, of the University of Wisconsin (chairman), William Anderson, of the University of Minnesota, W. Y. Elliott, of Harvard University, C. P. Patterson, of the University of Texas, and E. M. Sait, of Pomona College. The committee and a number of its advisers held a preliminary meeting at Cleveland. The business meeting also adopted a resolution under which all members of the Association are invited to send to the program committee for its consideration papers which they would like to present at the next meeting, or ideas or suggestions relating to such contributions.

The Association received a formal invitation to hold its 1931 meeting at Princeton University, and Washington was mentioned favorably. Decision, however, remains to be made by the Executive Council.

CLYDE L. KING, *Secretary-Treasurer.*

BOOK REVIEWS AND NOTICES

EDITED BY A. C. HANFORD
Harvard University

The Revival of Natural Law Concepts: A Study of the Establishment and of the Interpretation of Limits of Legislatures, with Special Reference to the Development of Certain Phases of American Constitutional Law. By CHARLES GROVE HAINES. (Cambridge: Harvard University Press. 1930. Pp. xiii, 388.)

The importance of the history of ideas in interpreting contemporary civilization is increasingly evident. Man does not live by bread alone. To a very large extent he lives by virtue of a body of ideas, of which he is scarcely conscious, and the origin and history of which he rarely takes pains to examine. Contemporary political institutions and political behavior can be adequately understood only in the light of the ingrained ideas and beliefs which have been inherited from previous generations. Perhaps no single political idea has been as persistent throughout the entire history of the Western world, or today so dominates the course of political affairs, as that of a higher law. It is in tracing the history of this idea and exposing its significance for our own time that Professor Haines has written a really noteworthy book. This notion of a law higher than the ordinary positive law, and of superior validity, has taken protean forms. It is scarcely accurate to describe them all as "natural law," and the title of the work is perhaps just a little misleading in this respect. Most of the exponents of higher law doctrines today would strongly resent being described as adhering to a natural law. This latter concept carries too definitely certain seventeenth and eighteenth century connotations which are not elements in most versions of contemporary higher law doctrines.

The dominance of the positivist school of jurisprudence, particularly in England and America, during the past century has obscured the underlying persistence throughout this period of the idea that above and behind the law of the state there is a higher law. The notable work of John Austin in systematizing the theory of positive law gave currency to the idea that law is merely and solely what the state commands. The earlier systematic treatises on natural law were

manifestly outworn and obsolete. Nevertheless the idea of a higher law persisted, and indeed, in spite of lacking systematic exposition, influenced men's action decisively, particularly in periods of crisis. "There is a higher law than the Constitution," declared William H. Seward, when confronted with the proposals of the Compromise of 1850.

Within the past generation, and particularly since the World War, there has been a very definite revival of higher law ideas, with a number of able systematic attempts at exposition. Stammler in Germany, Duguit in France, Krabbe in Holland have constructed significant doctrines of a higher law. The work of Harold J. Laski is all premised upon the theory that there is above the state and its positive mandates a body of basic individual rights, for the realization of which the state indeed exists and finds its *raison d'être*. Professor Vinogradoff, after profound studies of the genesis of law, came to the conclusion that it is not merely the product of the state, but arises, as the state itself, from fundamental human needs—is rooted, indeed, in human nature. Perhaps no single factor in reshaping a theory of law has been more important than the obvious need for some source of law superior to the state, if international law is to acquire that degree of binding force and effectiveness which alone can remove the menace of modern war.

The positive school of jurisprudence has been put definitely on the defensive. Its defense consists in insisting on the distinction between law and ethics. It readily admits that behind the law of the state there are higher moral imperatives. The state is itself indeed bound by these. But they are denied the character of law. This would appear to be a mere quibble over the use of the term "law," but the positivists maintain that it is something more. The science of law can only be developed, it is asserted, if the concept of law is confined to those norms which are clearly determinable; there must be an easily recognizable criterion, and this can be found only in judicial enforceability. The positivist contention thus becomes a plea for a particular methodology, the methodology of definition and analysis. But the scientific study of law cannot be confined to a single method—certainly not to that of definition and analysis—in this age when social phenomena are coming more and more to be studied genetically and historically.

Professor Haines devotes a considerable part of his work to an examination of the revival of higher law concepts in the United States.

Here there has been practically no systematic work in the field of jurisprudence until very recently. Dean Roscoe Pound has indeed inaugurated a school of sociological jurisprudence which bids fair eventually to recast our science of law completely, and which embodies higher law concepts in insisting on penetrating behind the statute and judicial decision to examine the relationship between the rule prescribed by legislature or court and the economic and social requirements of the situation which it undertakes to regulate. But the curiously illogical fact is that, speaking generally, American theoretical jurisprudence adheres to the Austinian doctrine that law is simply and solely what is enforceable in the courts, while practical jurisprudence develops largely by means of higher law concepts. The doctrines of due process of law and the rule of reason are the most notable examples of these. The distinctively American system of judicial review rests to a large extent upon the idea that behind the law there is another, a higher law, to which the courts must give effect. In bringing this inconsistency clearly into the light, in demonstrating how indispensable this notion of a higher law is in American jurisprudence, Professor Haines has perhaps performed his most signal service.

The work exhibits a great wealth of learning. An abundance of footnote references to the literature and to the cases intrigues the scholarly reader to pursue the study farther. The book should be generally read by students of both political theory and constitutional law. May we not even hope that for the general reader who is interested in the history of ideas it will have much interest?

Ohio State University.

WALTER JAMES SHEPARD.

County Government and Administration. BY JOHN A. FAIRLIE and CHARLES M. KNEIER. (New York: The Century Co. 1930. Pp. xiii, 585.)

A general study of county government in the United States is beset with great difficulties. In the first place, the field is so diverse and so vast as to defy adequate assimilation by a single investigator. Not only are there in excess of three thousand American counties, often varying widely in structure, functions, legal responsibilities, and political importance, but constantly changing social pressures have placed the entire group in a more or less extreme and perpetual state of social flux. In the second place, aside from a few well known outlines, the general subject of county, town, village, and administrative district has

received little more systematic attention from the political scientist than apologetic summaries in the last few pages of school and college texts. The result has been that local government as a "field" of scholarly investigation has a most slender bibliography to guide the research worker.

Part I of the volume under consideration ("Historical Development," 36 pp.) is a brief outline of the unfolding of local institutions from Anglo-Saxon times, through medieval England, colonial America, and the first century of the United States. Part II ("County and State Relations," 65 pp.) describes legal features of the county—its rights, obligations, and liabilities; its constitutional status as shown in provisions pertaining to organization boundaries, area, home rule, finance, etc.; its responsibility to judicial control; and its relation to the state administration through the usual devices of centralization.

Part III ("Organization of County Government," 110 pp.) deals primarily with the legal, functional, and structural problems of the county board, as well as with the duties and responsibilities of county judicial, financial, and clerical officers. It concludes with a chapter on the place of the county in the party organization, and a discussion of the merit system and its accompanying problems as applied to county employees. Part IV ("County Administration," 201 pp.) pertains to county functions—justice, corrections and charities, health, education, highways, revenues, expenditures, and debts; and Part V ("Special Problems," 105 pp.) presents the problems of the "smaller areas" such as town, township, village, borough, and special administrative district, concluding with some twenty pages on county government in relation to metropolitan questions. An extensive bibliography (pp. 533-559), a table of cases (pp. 561-571), and an index (pp. 573-585) complete the work.

To do justice to the authors and at the same time to appraise the field left untouched is a difficult matter. There can be no doubt of the essential merits of the book; it is a contribution and a much needed one. A careful examination of the work leads to the conclusion that its main purpose was two-fold: first, to present as complete a picture as possible within a single volume of all aspects of county government, and second, thoroughly to annotate and document the study to serve as hand-book and reference guide to future investigators. The historical introduction of thirty-six scantily documented pages covering some thousand years of institutional history seems too slight to present any-

thing at once suggestive and fundamental. The treatment throughout is predominantly legal; that is, although secondary materials are generously mentioned, the authors have relied heavily on court decisions and statutes for their primary sources. It is true that the vastness of the subject, as well as the purpose of the volume, probably precluded extensive field work, as well as a wide use of local reports, regional surveys, legislative journals, county histories, newspapers, etc.; but because of this the volume seems at times to lack reality; that is, it tends to give a statutory picture of legislative intent rather than of political practice. It appears to take little account, for instance, of the enormous difference that urban, semi-urban and rural conditions might make in the application of identical rules and lacks in places the grace, vigor, and human interest that closeness to a local institution so readily brings into a text. The authors, moreover, seem to recognize no fundamental change in the problem of the American county that might make the presentation of the subject quite different in form, emphasis, and source materials from that of a generation ago. The preface states that the volume is "an outgrowth from a briefer study . . . first published in 1906,"¹ and that the "present work is about three times the size of the earlier book." But, aside from a "more intensive" treatment, the approach seems much the same. "Older functions"—justice, corrections, charities, health, highways, education, revenue, etc.—are greatly expanded; but the "newer functions"—home rule, county managers, pensions, libraries, hospitals, and compensation laws, as well as the more significant implications involved in the increasing legal liability of the county (p. 55), in tendencies toward a redistribution of functions (p. 239), in the gradual pressure toward unified administration (pp. 293-298), and particularly the beginnings in new fields of social welfare (pp. 212 ff., 213 ff., 292 ff.), receive what would seem to some as little more than categorical mention.

But the surprising thing about the book is its apparent completeness. Whatever may be said about arrangement, emphasis, and general treatment—and there would be as many versions of each as there are reviewers—as a compendium of references on local government, it will serve the student as a starting point on almost any phase of the field for many years to come. It carries the impression that every discoverable condition pertaining to the government of the county and

¹ John A. Fairlie, *Local Government in Counties, Towns, and Villages* (New York: The Century Co., 1906).

its subdivisions is not only mentioned, but suggestively documented. A glance at the pages on the county manager (pp. 119-121), the county merit system (pp. 203-211), county specialized welfare work (pp. 290-293), county budgets (pp. 399-404), county accounts and reports (pp. 408-415), and city-county consolidation (pp. 511-523) will illumine the subject amazingly in its significant factual and bibliographical phases. The field of local government in the United States is much richer because of this volume, and its many suggestive channels for further investigation may well serve as a timely impetus toward the development of a hitherto comparatively neglected domain.

JOHN F. SLY.

University of West Virginia.

Problems in Contemporary County Government. BY WYLIE KILPATRICK. (University of Virginia: The Institute for Research in the Social Sciences. 1930. Pp. xxi, 666.)

One might be misled by the title of this book, for the volume contains an analysis of county government in one state only, i.e., Virginia. There is some comparison with the practice in other states; and certainly the conditions as described in Virginia are quite typical of the whole country. So this lends the book great value for the student of local government everywhere. And the book does indeed have great value. It is very thorough in its presentation of detail, some of which must soon be out of date; but it is saved from being a dull compilation of facts by the constant flow of keen observation and constructive criticism. Mr. Kilpatrick has done a splendid piece of work—quite the best that has come under this reviewer's observation.

The book may strike one at first as being ill-organized and not well balanced. In a volume of 650 pages dealing with county government, it is somewhat disconcerting to find the first chapter, of only twenty pages, apparently disposing of the important subject of "County Engineering and Highways." Chapter III offers fifteen pages on "Public Welfare," and the reader is left dissatisfied until he encounters Chapter XIX, dealing with "The Poor Farm and District Home." The author has a plan of organization for his book that is rather unique. But this small weakness, if it be one, fades away in the light of many excellencies.

Although the author shows no hesitation in suggesting specific reforms, he has made some thoughtful and penetrating observations upon

certain underlying difficulties which reformers rarely think about. He finds the county seldom well adapted to do each of the various things which counties are supposed to do (p. 17). And an excellent chapter is devoted to the economic capacity (or incapacity) of the various counties to perform the functions which a uniform law imposes upon them all. He brings out the idea of the injustice that lies in the equal treatment of unequals. The variation in economic capacity is made clear through voluminous tables of statistical data. He shows a spread of three hundred per cent in the ratio of expenditure to wealth.

The author heaves the customary academic sigh over public apathy in matters of local government, especially as regards public health and charities. But he does not let the matter rest with exhortations about cultivating a livelier sense of civic responsibility. Throughout the work there is a constant effort to offer workable solutions. And one suspects that the author himself does not realize how frequently he falls back upon effective state control as the remedy for a bad situation.

"Local self-government" is found to be an obsolete phrase; and on the other hand direct state administration is deplored. Attempts to classify functions as state or local are thought to be futile. The state-county problem is to be solved through integration. "Thus we do not have county officers to perform state functions. We have officers who are local citizens, administering state policies by adaptation to the county, either in exact application or in elaboration by local programs (p. 556). . . . the execution of state and local government is essentially a concurrent process" (p. 561). This is not entirely convincing, and it may exhibit the author's reluctance to accept some of the conclusions to which his own splendid researches have brought him. Almost in spite of himself, he seems to tell the story through every chapter that there is such a thing as local self-government, that it is failing miserably as respects the functions that always have been exercised through counties, and that state administration is the remedy. Of course this comment has no reference to the feasibility of home rule for municipalities, for consolidated city-counties, or for rural municipalities such as Theodore Manny considered in his recent book of that title.

Finally, Mr. Kilpatrick gives only half-hearted support to the county-manager idea. He truly declares it has never really been tried, and analyzes the North Carolina law to illustrate the point (p. 638). There have been clerical managers, and engineering managers, and financial managers; but no honest-to-goodness manager in any county. And a

reason for the unwillingness to establish a real county manager who would supervise the various county functions is suggested at p. 643: "The same desire for efficiency in administration that is the goal of the managerial form is the motive that is driving industrial corporations away from one-man management."

This book is a fine piece of work. It is scholarly, thorough, sober, and flowing over with well balanced criticism and constructive suggestions.

KIRK H. PORTER.

State University of Iowa.

Municipal Government and Administration in Iowa. BENJAMIN F. SHAMBAUGH, EDITOR. Iowa Applied History Series, Volumes five and six. (Iowa City: The State Historical Society of Iowa. 1930. Two volumes. Pp. xi, 608; xi, 668.)

For many years, students of local government have watched the work of the State Historical Society of Iowa with interest. Not only have its publications been skillfully edited and effectively presented, but the work itself has been done with exceptional care and thoroughness. The project, moreover, known as the *Iowa Applied History Series* was the first study designed to present a comprehensive description and critique of the contemporary political devices of an American commonwealth.

The volumes under consideration are a part of this steadily maturing plan. They are composed of a series of twenty-two monographs written by eleven different authors, under the general direction of Professor Shambaugh in his capacity as superintendent and editor of the State Historical Society of Iowa. Volume I begins with two chapters on the creation, dissolution, and legal status of municipal corporations in Iowa. Chapters III, IV, and V discuss the municipal electorate, the city council, and the mayor. The next six chapters treat the leading municipal officials—city manager, clerk, assessor, treasurer, solicitor, engineer, and conclude with two chapters on minor officials, boards, and commissions. Volume II covers the same field from a functional standpoint, *i.e.*, finance, justice, safety, public works, utilities, planning and zoning, and public health, and concludes with two chapters on the Iowa municipalities in their relation to public schools and poor relief, and the work and development of the League of Iowa Municipalities. An exhaustive bibliography in the form of notes and references and an elaborate index complete each volume.

The hope expressed by Professor Shambaugh in the preface "that these pages may suggest the problems of the municipalities and to some degree point to their solution" is a modest appraisal of their value. As a permanent documented record of municipal government and administration in Iowa, the volumes will take an important place in solidifying that political consciousness which proves so steadying in institutional developments. Placed in the hands of any Iowa municipal official, moreover, they would serve, not only as an elaborate manual on the municipal government of his commonwealth, but as a guide to sound practices in local statesmanship as well. The essay, for instance, by Dr. Ruth A. Gallaher on "The Administration of Municipal Finance" (Vol. II, ch. XIV) is an unusual combination of code, practice and principle that offers an example of applied politics at its best. Indeed, one of the marks of the whole work is its touch of reality; experience, field work, inquiry, and questionnaire have entered heavily into the preparation of the chapters.

There are parts that would be of general interest to any student of municipal government. The essays by Dr. Jacob A. Swisher on the "Creation and Dissolution of Municipal Corporations" (Vol. I, ch. I) and "The Legal Status of the Municipality" (Vol. I, ch. II), Dr. John M. Piffner's chapter on "The City Manager" (Vol. I, ch. VI), Dr. John W. Manning's "Municipal Planning and Zoning" (Vol. II, ch. XIX), and Dr. Swisher's "The League of Iowa Municipalities" (Vol. II, ch. XXII) give "close-ups" of municipal devices and principles that would illumine any general discussion of the subject. As a whole, the project is suggestive of a program that may well commend itself increasingly to other states.

JOHN F. SLY.

University of West Virginia.

Our Criminal Courts. BY RAYMOND MOLEY. (New York: Minton, Balch and Co. 1930. Pp. xxiii, 257.)

This volume supplements *Politics and Criminal Prosecution*² and affords the author opportunity to cover a considerable part of the field of criminal law administration. His preparation is unexcelled, for he has participated notably in a number of local and state surveys over a period of ten years. In fact, no other person has more immersed him-

² For brief notice, see this *Review*, Vol. 24, p. 209 (Feb., 1930).

self in this field. Moley is both lawyer and political science teacher. The present work is best described by him as "a series of essays," buttressed by some quotations and numerous references. "It seeks no solution, prescribes no remedies, formulates no program of reform." With this limitation and explanation, the author seeks to forestall the disappointment which some readers will feel when they seek definite and authoritative opinions on many problems. The disposition to be "scientific," to withhold final judgment, is meticulous. The words "science" and "scientific" occur too frequently in view of the nature of the subject, which finally, after all investigations, eludes exact measurement. But the material for opinions is plentiful.

The first part, "Preliminaries to Trial," deals with the police courts of the larger cities and the lawyers who frequent them. In the second part, entitled "The Long Day in Court," we find the matters of rules of procedure, jury trial, the defense of insanity, and probation and parole. In the final part there is consideration of the part played by newspapers, the importance of statistical data, the work of several survey commissions, and (perhaps the most original and significant part of the book) a discussion of the personnel available for the criminal court bench.

The book is valuable as an individual synthesis of a whole decade of campaigning against crime. Lawyers who were early interested in the subject presumed that the prevalence of crime under the most perfect government ever achieved was due chiefly to faulty rules of procedure in criminal trials. By spending vast sums of money we have discovered that only a few cases ever reach trial, and that those that attain the pinnacle of publication in the reports are, in numbers at least, insignificant. We have learned that our unsupervised and political magistrates and our political and unsupervised prosecutors determine the fate of most cases and condition the remainder. Some of us, surely, have learned also that probation and parole, as operated, prevent the law from performing its intended work of punishing. (The word "punishing" is employed flagrantly in the face of all sociological science.) The fact that imprisonment quite regularly fails to reform has also emerged. And the fact that our police methods, more than all the other factors, explain the profits of crime is apparent, though Professor Moley has not extended the scope of his essays to policing.

Another discovery seems to have been made, which is that hasty assaults upon crime, involving the enactment of more or better rules of

procedure, however necessary to the sum total, constitute, after all, only a skirmish in the whole campaign.

The author's strongest conviction appears to be the need for independent judges who will take from prosecutors some of their broad discretionary powers. Beyond reliance on an awakened civic conscience, he offers no proposal affecting the political milieu. But the purpose of the book is not so much to advance reform programs as to present varied experiences and proposals; and this it does with thoroughness within its allotted field.

HERBERT HARLEY.

American Judicature Society.

The Federal Reserve System. Its Origin and Growth. Reflections and Recollections. BY PAUL M. WARBURG. (New York: The Macmillan Company. 1930. Two volumes. Pp. xix, 853; viii, 899.)

Students of political science, as well as those more especially interested in banking problems, are greatly indebted to Mr. Warburg for his analysis of the influence which led to the establishment of the federal reserve system, and also for the convenient collection of the author's own scattered writings brought together in the second volume.

Laws, as Mr. Warburg points out, are not suddenly born, but have been long in incubation. Legislation has its ancestry not only in public propaganda and agitation, but also in private correspondence and exchange of memoranda of which the public as a rule knows little. Mr. Warburg has rendered a distinct service in extending and illuminating the record relating to the initial steps which led to the formulation of the bill as finally enacted. Unfortunately, in several of the specialized studies on the federal reserve system which have appeared during the past few years there have been conflicting statements as to its paternity. Mr. Warburg does not claim to be its author, but the evidence here presented makes it clear not only that his influence was helpful to the National Monetary Commission, of which Senator Aldrich was chairman, but that he played an important part in the framing of the Federal Reserve Act.

But Mr. Warburg does more than set the record clear as to his own personal relationship to the creation of the Act. He comments more particularly upon the defects experienced during his four years of membership on the Federal Reserve Board, and in Chapter XII, "Looking Forward" (written in 1927), he points out the defects which have

yet to be remedied. Among other recommendations, he advocates a term-settlement of at least a portion of New York's stock exchange operations whereby short loans would be utilized in place of call loans; a further extension of the bill market, even advising that it be made mandatory upon the banks to create such a market; a further exemption of foreign holders of American bankers' acceptances from income taxation; the establishment of an immediate check collection system in place of the present "deferred credit" system; and changes in the government of the Federal Reserve Board. Throughout his treatment he is dispassionate; there is no acrimonious complaint against his critics. Especially interesting in certain of the early memoranda was his effort to protect the new system against any undue influence by New York banks and Wall Street.

In Volume I there is a "Juxtaposition of Texts and Analytical Comparison" of the Federal Reserve Act with the Aldrich Bill (pp. 178-408). The author is generous in his appreciation of Senator Aldrich and recognizes the close relationship between the bill submitted by Aldrich and the final act. "They are surprisingly akin" (Vol. I, p. 408).

Volume II consists of "Addresses and Essays" during the years 1907-1924.

DAVIS R. DEWEY.

Massachusetts Institute of Technology.

L' Organisation Technique de l'État. BY P. DUBOIS-RICHARD. (Paris: Librairie du Recueil Sirey. 1930. Pp. ix, 331.)

The author of this book, drawing his inspiration from Frederick W. Taylor and Henri Fayol, sketches in broad outlines the bases on which the technical state ought in his judgment to be erected in France. Embedded in a context of general theory, the thesis of the volume is an appeal to apply the principles of scientific management to the state. In the early part of the book the author takes the position that the immediate ends of the state are determinable by Taylor's methods, but for the most part he remains on the safer ground of considering the relation of means to ends.

The proposals, which are not worked out in detail, are not novel; the reënforcement of the executive power and the function of command, the development of powers of control to enable immediate detection and correction of errors of administrative judgment as well as misapplication of funds, the better coördination of ministers under the leadership

of the premier, coördination of areas by means of a high degree of centralization, coördination of bureaus, and simplification of methods of work.

In the third part of the book, devoted to recruitment, there are some interesting observations on the contemporary status of the French *fonctionnaire*. Realistically observing that the modern world judges the importance of people by the price of their automobile, the author notes that a second-hand Citroën, suitable to the purse of the public official, the magistrate, and the teacher, is not enough to maintain the high prestige once possessed by the official world. The increasing drain upon the public service made by industry (some figures are given) emphasizes the point. To restore the prestige of the public service, M. Dubois-Richard suggests *inter alia* a discreet but generous distribution of titles, the provision of an automobile for those who have to go about the arrondissements—and a telephone and stenographer! There is also an interesting chapter on the relation of education to the public service in which occurs a sharp attack on current classical training, “apparently intended to transform forty million French citizens into professors, lawyers, and deputies.”

Throughout, M. Dubois-Richard insists on the identity of utility, as derived from a “scientific” organization of the state, and justice; but occasionally he pauses to warn his readers that unless a just division of the benefits of better method is secured, justice may linger. How this is to be brought about, and on what basis of sharing, is not worked out; the victims of technological unemployment and of the contemporary over-production crisis would wish a more explicit statement on this problem.

The book presents a program rather than either a factual description of the present technical organization of the state or a specific means of realizing such an organization. Its merit lies in the broad sweep of its pages, its defects perhaps in a failure to deal more definitely with the engineering problems inherent in the program. The usual American efficiency surveys and installations possibly suffer from an inversion of the foregoing.

LEONARD D. WHITE.

University of Chicago.

Why Europe Votes. By HAROLD F. GOSNELL. (Chicago: The University of Chicago Press. 1930. Pp. xiii, 247.)

This is a careful and thorough study of popular participation in the elections of selected European countries: England, France, Germany, Belgium, and Switzerland. In addition to presenting the statistics which he has so assiduously compiled, Dr. Gosnell interprets his figures in the light of the political experiences of the various countries he has studied. His approach, while thoroughly scholarly, has also been practical, and his book gives evidence of the value of personal investigation in the field. His familiarity with actual political affairs in Europe has enabled him to avoid many of the errors which less fortunate closet philosophers are likely to commit.

In pointing out the various factors which affect voting percentages, Dr. Gosnell does not attempt to evaluate each one of them. Proportional representation, however, he indicates as the system most likely to bring out a large vote. In regard to compulsory voting in Belgium, the author is non-committal because of the other factors involved in the Belgian situation.

As each country is considered, a brief summary of its political parties is presented, and the whole study is amply fortified with charts and tables. A final chapter entitled "Applications to America" sums up the various lessons that this country can learn from the way people vote in Europe. It is not made clear whether the author desires to advocate the changes he enumerates in this chapter, but in any case his points are well taken and are justified by the survey he has made.

The tables in the appendices showing the figures for both national and selected local elections in the countries studied are very useful. Table XII, showing the popular participation in presidential elections in the United States, together with Appendix III, which explains the method of computing the estimated number of eligible voters in the United States, furnishes us with a different and probably a fairer, basis than we have heretofore had for discussing the voting habits of this country. As a result of Dr. Gosnell's researches, we are much richer, not merely in information concerning European voting habits, but also in the more complete interpretation and understanding of European politics.

JAMES K. POLLOCK.

University of Michigan.

Civic Training in Switzerland; A Study of Democratic Life. BY ROBERT C. BROOKS. (Chicago: The University of Chicago Press. 1930. Pp. xx, 436.)

In more than four hundred large pages of small type the author has packed an amount of information that cannot properly be characterized in a few paragraphs. The book represents wide studies, both of printed materials and of actual conditions in Switzerland, and sets forth the various topics with frequent comparisons with other countries. Having already twelve years behind him a book on the government of Switzerland, Professor Brooks enters this phase of the field as one acquainted with the complexities of the task.

The plan conforms to the series on civic education to which it belongs, and in depicting the conditions, natural and man-made, through which the citizen reaches an understanding of his political duties the first problem is to find the place where his real loyalty belongs, whether to his state or to the confederation. A strong adherence to locality, tempered with the least workable amount of federal spirit, seems to be the common recipe; and this condition affects in some way every phase of civic life—education, economic associations, political parties, and all the rest. To account for this, one recalls that the Swiss have had ages of local independence in three languages, with union only in times of danger, followed by only four score years of modern national government.

Political parties are treated from their constructive or educational side, and for an understanding of this, the many auxiliary associations and economic groups with permanent organization need to be taken into consideration. The combined efforts of all these in the spread of ideas and political uplift make an impressive picture, though it is a model on a miniature scale. The playground is small and holds but four million players.

In the construction of citizenship, the schools, the preparation for civil service, the church in moral uplift, family life, and the stimulus of patriotic societies are given their place, along with many other factors less obtrusive to the notice. Literature, music, time honored ceremonials, patriotic symbols, and historic traditions are called in for their part in this educative process and an estimate of the total result set forth. The author's opinion of Swiss institutions in almost every direction is highly favorable, and with this the reviewer is able to agree. The estimate of the relative value of these various factors in civic edu-

cation brings up debatable questions which provide good reasons for reading the book carefully. His final rating of Switzerland for standing in political advancement briefly summarizes what he thinks he has proved—a challenge which the argumentative reader would like to see at the beginning.

James Bryce is quoted as giving Switzerland more good qualities and fewer demerits than any other modern democracy, but the author proceeds to measure it further by a scale of his own. Taking nine of the factors of civic life, he demands of each how much it has contributed to the building of the good Swiss citizen. Grade "one" is high excellence, two is good, and three is fair. Grade four and lower are not considered, as there are no failures in these forces. Rated as only "fair" in the mechanism of civic training are the church and the family; the first because it has slowed down in influence in the past half-century, and the family shows no peculiarly marked effect in that direction. "Seconds" in effective training are government service, civil and military, patriotic societies, language, literature, and the press; while first in rank among civic educational forces are political parties, schools, symbolic emblems and commemorations, traditions, and devotion to locality. These categories bristle with questions, and the amplifying pages which lead to such conclusions are both instructive and stimulating.

J. M. VINCENT.

Johns Hopkins University.

Civic Attitudes in American School Textbooks. BY BESSIE L. PIERCE.
(Chicago: The University of Chicago Press. 1930. Pp. 297.)

This book is one of a series edited by Professor Charles E. Merriam under the general heading of *Studies in the Making of Citizens*. In an effort to discover what impressions and attitudes the children in American schools, particularly the high schools, derive from the way in which facts, prejudices, and conclusions are expressed in the textbooks which they study, Dr. Pierce has analyzed about four hundred textbooks in various fields—history, civics, sociology, economics, geography, reading, music, and foreign languages. Frequent quotations are given, and there are numerous specific references to items which are not quoted verbatim.

Nearly half of the book is taken up with an analysis of history textbooks. The special emphasis in this portion of the work is on the inter-

national attitudes that the texts, either consciously or unconsciously, develop. It may be somewhat surprising to find certain countries, such as France, so uniformly lauded, and others, such as Spain and Germany, so uniformly condemned as to policies and motives. As to our attitude toward Great Britain, Dr. Pierce concludes that there is no ground for the charges, made more often a few years ago than they are today, that our textbooks are becoming pro-British.

The civics texts, Dr. Pierce finds—just as the history texts—uniformly convey the impression that the policies and ideals of the United States are worthy of high praise. A few quotations from one text in particular indicate that there are cases in which this sort of “patriotism” is affected with a surgary sentimentality. Geography texts seem to be the freest from this sort of thing. Textbooks in music are analyzed with reference to the proportion of songs of national or international character. Foreign language texts in French, Spanish, and Italian are shown to encourage an attitude of admiration for the people whose language is being studied. Perhaps Dr. Pierce does not think that German textbooks are used enough in our schools today to warrant considering them. Certainly the same statement would apply to them if they were considered.

One chapter of the book deals with laws of the states affecting civic instruction and gives in small compass the outstanding provisions of those laws with reference to such matters as the requirement of certain subjects, the use of foreign languages in teaching, and the attempt to establish some sort of censorship over the teachers and their attitude toward governmental policies. Another chapter analyzes some of the outstanding courses of study prepared by state and city school authorities with reference to the civic attitudes which they consciously undertake to develop.

“It has not been the purpose of this study to advocate what the content of textbooks should be,” the author says. In view of children’s habit of believing almost everything that they see in print, the ideals and attitudes which textbooks encourage must play a tremendously important part in the civic thinking of the American people. In making her analysis of so many of the outstanding texts now in use in our schools—and some that are not so outstanding—Dr. Pierce has rendered a real service.

R. O. HUGHES.

Pittsburgh, Pa., Public Schools.

The Failure of Federalism in Australia By A. P. CANAWAY. (London: Oxford University Press 1930. Pp. 215.)

After three decades on trial, federalism in Australia awaits the verdict. To facilitate a fair judgment and to apprise readers of Australia's plight, Mr. Canaway—employing at once tools of the historian, philosopher, political scientist, and logician—presents a clearly reasoned though formalistic case, which batters federalism and eulogizes the superiority of unitary government for Australia. The ultimate motive behind this essay may be political; but the meticulous manner of its presentation lifts it from the class of any but the highest type of propaganda.

The ignobility of Australia's experiment with federalism bares itself glaringly in the present state of affairs. Aside from a current financial dilemma—which the author treats only by implication—the cumulative effects of federalism inhere in such matters as non-uniform railroad gauges (p. 10), ill-advised urbanization (p. 28), a high protective tariff favoring secondary, at the expense of primary, industries (p. 29), the practice of levying taxes on the capital value of unimproved land (p. 20), an inadequate system of industrial arbitration (p. 32), mismanaged public finance, duplication and conflict flowing from the existence of two independent systems of governmental authority (p. 42), and inarticulation of state land policies with Commonwealth immigration projects. Such chaos may be alleviated by a veritable panacea—unitary government. The excellence of this polity adequately counters flimsy stock pleas defending federalism in Australia (pp. 178-210).

A unitary polity bridges the gaps of federalism; frailties of the latter become the fort of the former. Federalism is not mechanically efficient, because it neither regulates all legislative and administrative actions by reference to demands in the nation's situation nor coördinates all such actions into a coherent whole. Obversely, however, under unitary government institutional machinery never lacks constitutional competence to act (p. 49). There can be no potential faultiness in the division of legislative authority between component entities in this system (p. 50). Of significance also is the objectivity of governmental activity (p. 60), bestowing a consequent certainty upon governors (pp. 54-55) who act through channels of coördinated facilities for executing the nation's will.

Viewed psychologically, the ill-effect of federalism on the mental pro-

cesses of the individual obviates the possibility of good government. Lacking a single set of institutional machinery, the objective imposed upon a nation by the law of its being does not stand out with clearness. "The interaction between federal and state governmental activities is indeterminate and incapable of being gauged. . . . No mental effort on the part of any one . . . will enable him to duly establish the causal connection between any given federal or state governmental action and its ultimate effects as reflected in the state of the nation" (p. 74). Hence public opinion cannot be freely or accurately formed (p. 91), rendering incompatible the existence together of federalism and responsible government (pp. 95-137).

Canaway's work may be commended for its formalistic development of general, yet finely drawn, considerations bearing on the relative value of unitary and federal government, not only for Australia but for any other country. The author does not searchingly analyze existing federal government in Australia; his syllogistic reasoning does not lend itself to such an exposition.

It seems pertinent to suggest that—assuming the possibility of effective federal government under certain conditions—an investigation of the precise relationship between Australian states and the Commonwealth in all governmental activities, with a view to ascertaining and describing principles governing this association, might conceivably contribute to a more complete understanding of the proper relationship between the component parts and the whole of federal politics. In defense of Australian federalism, it would seem that Canaway's condemnation makes prosecution of this thesis imperative.

KENNETH O. WARNER.

Washington, D.C.

Responsible Government in Nova Scotia; A Study of the Constitutional Beginnings of the British Commonwealth. By W. ROSS LIVINGSTON. (Iowa City: Iowa University Press. 1930. Pp. 192.)

At this stage of Dominion autonomy, and also at a time when India is asking for responsible government and Dominion status, it would seem worth while to examine the early attempts at reconciling the principles of imperial control with self-government by more or less autonomous parts. For pure theory, no better example can be found than the development in Nova Scotia, whose pride was to make itself "a normal school for the rest of the colonies."

As Professor Livingston points out, his field is practically virgin, and he has relied almost exclusively on original and manuscript sources. Herein lies the main contribution of his work, for the copious and judicious extracts make the study both authoritative and interesting. But in dealing with a strong character, such as Joseph Howe, the author easily falls into the temptation of making a partisan treatment, which appears especially attractive since the subsequent development of the problem justified the stand of his hero. Similarly, the narrow focus of attention almost exclusively to one province presents the struggle out of proportion to the general problem affecting all the colonies. Where Professor Livingston does connect it with the issues being fought in the Canadas, the reader is conscious of a hiatus in which the author appears not to have considered the parts in relation to the whole. For example, the question of a Civil List, for which the Nova Scotians were still contending in 1839, had already been settled as early as 1830 in Upper Canada by the passage of the "Everlasting Salary Bill." Again, in 1842, in writing to Stanley about Canadian affairs, Bagot admitted: "Whether the doctrine of responsible government is openly acknowledged, or is only tacitly acquiesced in, it virtually exists." It is unnecessary to quote further to show the danger of treating such a general problem even in relative isolation. Professor Livingston has, however, undoubtedly made a distinct contribution. His monograph will be welcomed for having focused attention on this neglected field of the earliest development of the practice of responsible government in the British Commonwealth of Nations.

LIONEL H. LAING.

Victoria, British Columbia.

Survey of American Foreign Relations, 1930. BY CHARLES P. HOWLAND. (New Haven: Yale University Press. 1930. Pp. xvii, 541.)

The third volume of this excellent annual *Survey of American Foreign Relations* adheres to the same general plan of topical treatment of selected subjects followed in the preceding volumes. In each of the three Surveys that have appeared, a regional emphasis has been given. In the first volume, the emphasis in general was on American policy in relation to Europe; in the second, a background for an understanding of the relations of the United States with the republics of Central America and the Caribbean, as well as a discussion of policy, was fea-

tured; and in the present volume about three-fifths of the space is allotted in the same way to the Pacific and Far East.

Each volume, however, does not stand apart from the others in splendid isolation. Whenever and wherever new developments warrant, the threads dropped in a preceding volume are picked up. For example, the Survey of 1928 gave an account of financial relations of the government of the United States from the World War through the year 1927. The present Survey contains more recent developments, notably a well-rounded discussion of the Young Plan.

Post-war efforts to realize a progressive limitation of armaments, dealt with at length in the 1928 Survey, are now given further attention. The discussions of the last few years have revealed that the general problem of armament limitation is made more difficult of solution by the fact that statesmen think of armaments not only as the means of guaranteeing the security of their respective nations, but also as the means of securing their prestige and exalting their authority. Might, like money, talks. "Armaments give station to nations in the international community. The larger the armaments, the higher the station. This prestige is an immaterial substance, highly valued, not capable of adequate statement . . ." (p. 396).

The Pact of Paris, a treatment of the origin and nature of which is to be found in the 1929 Survey, is further considered in the light of its "first test"—the Russo-Chinese dispute over the Chinese Eastern Railway. Secretary Stimson's activity in enlisting the coöperation of the other signatories of the Pact in an effort to prevent war is approved. "If this is to be the policy of the United States . . . then there is new support for the view that the Pact of Paris, though not in itself a complete instrument of international order, is one of the texts on which such an order may be built" (p. 402). One wonders, nevertheless, how far such improvisation is likely to be effective. Measured by a completely *laissez-faire*, do-nothing policy, the Stimson initiative represents a praiseworthy resolution, at least, to remind the drunkard that he has signed the pledge, and to invoke the sanction of public opinion. Measured by the technique that has been developed by the League of Nations, it represents a somewhat tardy, haphazard, and ineffective method of dealing with acute situations covered by the Pact.

FRANK M. RUSSELL.

University of California.

The Spirit of the Chinese Revolution. BY ARTHUR N. HOLCOMBE.

(New York: Alfred A. Knopf. 1930. Pp. vi, 185.)

One of the most thoughtful and penetrating analyses of the recent political history of China may be found in Professor Holcombe's *The Chinese Revolution*.³ The volume now before us, *The Spirit of the Chinese Revolution*, is described as "an effort to interpret for a wider audience" the results of the investigations presented in the former treatise. It consists, in fact, of a series of Lowell Institute lectures delivered in 1930. The occasion called for a lighter touch, a less well-knit development, and an elimination of all citations and documentary appendices. For the general reader, *The Spirit of the Chinese Revolution* may be commended; for the informed reader, the larger work is much more important.

As might be expected from the title, the treatment is topical rather than chronological. The six chapters, or lectures, are developed around a personality and the spirit he represents. Thus we have "Sun Yat-sen and the Spirit of Democracy," "Erodiin and the Spirit of Bolshevism," "Feng Yu-hsiang and the Spirit of Christianity," "Chiang Kai-shek and the Spirit of Militarism," "T. V. Soong and the Spirit of Capitalism," and "C. T. Wang and the Spirit of Science." In some cases, notably that of Dr. C. T. Wang, the connection would seem to be exaggerated, while other leaders and spirits might well have been included to round out the picture of "a whole set of revolutions going on at the same time." Such a treatment also runs the risk of repetition and overlapping chronology. But the whole effect is good, and many a reader who has been unable to make head or tail out of the news reports from China will here find a clear interpretation.

It is hard to resist the temptation to quote extensively from the text. Perhaps this estimate by a professor of government of a new experiment in government is as suggestive as any: "The ultimate fate of Dr. Sun's plans for the political reconstruction of China can be left to the future to reveal. It is sufficient for the moment to understand the general effect of Dr. Sun's plans upon the present prospects of the revolutionary movement, and especially upon the stability of the political system which is being established at Nanking. For this purpose it is enough to know that his plans, though incomplete and in part badly formulated, contain a great deal that is fundamentally sound and

³For a review of *The Chinese Revolution*, see this *Review*, May, 1930, pp. 505-506.

of excellent repute, and that his general system of political thought compares favorably with that of other great revolutionary leaders in modern times. Indeed it may be doubted whether any great revolutionary movement has been provided with a more serviceable political philosophy. The possession of such a political philosophy is a source of enduring strength to the Chinese revolutionary movement and to the political system which that movement has created. It gives the dictatorship of the Nationalist party, the Kuomintang, a better prospect of stability than that of any other form of dictatorship that has been suggested for China."

PAYSON J. TREAT.

Stanford University.

Africa and Some World Problems. BY GENERAL J. C. SMUTS. (New York: Oxford University Press. 1930. Pp. 184.)

The half-dozen addresses contained in this volume were delivered at Oxford and other universities in Great Britain during the late autumn of 1929. On the three topics which are universally recognized as world problems, General Smuts was, as usual, fresh and stimulating. As part-author of the League of Nations, he was hopeful of its future and of that of the world peace which it seeks to safeguard. Nor was he despairing of democracy, provided expert non-political committees, of which the Dawes Commission is an example, be interposed between overdriven legislatures and ill-informed electorates.

The three principal addresses, however, were devoted to the world problem of Africa. At Oxford, General Smuts first dealt with the part that he desired Europeans to play in East and Central Africa, where great changes are clearly pending; in the second, he dealt with the other side of the story, i.e., native policy. At Edinburgh and Glasgow, a little later, he used the name of Livingstone as a peg on which to hang a eulogistic estimate of the work of Christian missions in the Dark Continent. There is much that is excellent in all three addresses; but, read as a whole, they display grave discrepancies. In his first address, General Smuts reflected the views of the average South African and, for the matter of that, of the non-official East African, when he advocated a vigorous policy of immigration, further political powers to the non-officials, and employment of blacks by whites as the best means of furthering civilization in what he hopes soon to see a great Dominion. His second address did not fit in with

the first, for it was essentially a plea for the maintenance of the tribal system. True, he tried to bridge the gulf by suggesting that, provided the men were not absent from the *kraals* in too great numbers nor for too long, their families could maintain their accustomed life. The facts of experience tell heavily against this comforting suggestion, especially in the Union of South Africa, which he somewhat rashly adduced as an example of the good results that may be expected to flow from the methods he advocated in his first lecture. In his Scottish lectures, his praise of the missionaries sorts ill with his earlier criticisms of them (and of officials) as civilizing agencies as compared with decent European employers.

In short, General Smuts' schemes for a great East and Central African Dominion rest upon highly debatable assumptions. They presuppose a vast and healthy plateau stretching from Rhodesia to the sources of the Nile. No such plateau exists, nor is it yet proved that the patches of high ground which the much-criticized British government is apparently ready to regard as European areas are really healthy in the sense that Europeans, high up under the strong rays of the sun, can rear families successfully generation by generation. The civilized world, on both sides of the Atlantic, must know much more of the facts and conditions of life of all concerned before any sweeping policy can be undertaken safely in those parts. The sooner a systematic survey is set on foot the better.

ERIC A. WALKER.

University of Cape Town.

The People and Politics of Latin America. BY MARY WILHELMINE • WILLIAMS. (New York: Ginn and Company. 1930. Pp. vii, 845.)

It is only during the last few years that interest in Latin America has been sufficient to warrant the publication of texts designed for the use of college students interested in this field. Perhaps this dearth of suitable material may have been one of the principal reasons for the general lack of interest manifested by the institutions of higher learning in the United States in the history and political affairs of the Latin American states. If this is the case, the present text by Dr. Williams will go far to remedy the situation. It is difficult to conceive how the complicated and variegated history of the twenty Latin American republics could be set down in a more satisfactory and presentable fashion.

In organizing her material, Dr. Williams has employed the topical method as far as possible, and her chapters devoted to political and economic administration in the Indies, the Church, education, and fine arts are models of their kind. Although almost monographic in treatment, the author rarely presents her facts without correlating and interpreting them in such a way as to keep the interest constantly aroused. The treatment by topics also lends itself to utilizing the book for more than one quarter's or semester's work.

The author has not only been painstaking in presenting the facts accurately but judicious in her emphasis. The excellent bibliography indicates that little or no secondary material in the entire field has been overlooked, and the comments show that the author has examined a large part of it critically.

The volume contains an admirable collection of maps, and the printing and format are attractive. The author is to be congratulated on presenting so excellent a text in this increasingly important field.

GRAHAM H. STUART.

Stanford University.

El Panamericanismo y La Opinion Europea. BY ORESTES FARRARA.
(Paris: Editorial "Le Livre Libre." 1930. Pp. x, 302.)

European alliances the author pictures as combinations which have been for defense of national interests against other powers. Hence, at least in part, arises the inability of European writers to appreciate the purpose and temper of Pan-Americanism, their deprecatory attitude toward it, and their inability to appreciate its effort to establish coöperation among the American states.

The constructive work of each of the Pan-American conferences and its reception by European publicists is reviewed. About half of the book is devoted to analysis of the developments of the conference at Havana and the bearing of the discussions there upon intervention and financial and economic imperialism.

Both citizens of the United States and of Latin American nations will find of special value the historical discussion of intervention which is stated to be approved under exceptional conditions by European and American writers and explicitly denied by no recognized authority. The analysis of the issues at Havana involving choice between the declarations by the Special Committee which met at Rio by resolution of the Third Pan-American Conference and those of the American

Institute of International Law are outlined in detail, and the constructive character of the latter is clearly set out.

Spread of international trade is discussed as an influence binding together the American states on the basis of mutual advantage and interest. The commercial policy of the United States has been one which has created for Latin American exports generally—those of the author's own country being the most outstanding exception—a great market to which entry is free or on payment of exceptionally low tariff rates. Expansion of investments also, though it has greatly increased American holdings in recent years, is a development to mutual advantage, following normal lines and still involving in Latin America holdings by citizens of European countries to greater totals than by those of the United States. Contrary to popular belief, American capital has latterly shown a tendency to seek investment southward, not in the Caribbean region where imperialistic designs are alleged to exist, but in the farther republics where it is accepted that they do not.

This volume merits attention by all students of the foreign relations of the United States, and particularly by those who regard the developments among American states as lacking in mutual advantage.

CHESTER LLOYD JONES.

University of Wisconsin.

The International Community and the Right of War. BY LUIGI STURZO. (New York: Richard Smith Inc. 1930. Pp. 293.)

It will be difficult for the reader to resist the appeal of this powerful analysis and exposition of the traditional theory of the "right of war." Although clothed at times in somewhat abstract terms, after the manner of Continental thinking, the argument presses forward from the first chapter to the last and ends in a note of realism which convinces us that, however high the ideals of the writer may be, he is at all times aware of the practical aspects of his problem. For the author is no mere academician. Cleric and statesman, mayor of the small town in which he was university professor, social organizer and leader of a liberal political party, exile from his native country because of his opposition to the ruling dictatorship, Don Luigi Sturzo knows the Latin world and its reactions to the problems of international relations. Being also a student of history, he is able to develop his thesis in the light of the legal and moral inheritance of his readers. Hence his

approach to the problem of the elimination of war will appeal to the practical Anglo-Saxon mind as well as to the more theoretical mind of his fellow-countrymen.

The thesis is a simple one, although its basis is at once historical, sociological, moral, and legal. Mankind, history tells us, is in a state of change, proceeding from lower forms of organization to higher. The two institutions of family and state, around which civilization has been built up in the past, must now be supplemented by a third institution, the international community, possessing an organization and a personality of its own and expressing the interdependence of states and the new "principle of association" which necessarily follows from the mutual relations of states. Civilization is organization, and the chief feature of that organization is the control and direction of the use of force. War, once justifiable in the absence of alternative means of obtaining justice, must now yield its claim in the presence of the new machinery created for the settlement of disputes. In the meantime there is the problem of persuading the nations that the ideal of the elimination of war is a feasible one and that the new machinery, defective as it may be at present, can be developed into more adequate means for accomplishing its purpose.

Throughout the volume runs a strong note of liberalism, a belief in the individual citizen and his ability to control his future, a belief in the responsibility of the individual state to the larger community of an organized world. Already there are signs of the greater international solidarity that is to come. Once the people have caught the idea of the possibility of the elimination of war, they will not be satisfied to let the self-sufficient sovereign state continue to assert the "right to make war."

C. G. FENWICK.

Bryn Mawr College.

The Mixed Courts of Egypt. BY JASPER YEATES BRINTON. (New Haven: Yale University Press. 1930. Pp. xxvii, 416.)

Judge Brinton, for many years a justice of the Court of Appeals of the Mixed Courts of Egypt, has presented us with a scholarly account of the origin, development, and mode of functioning of these courts and an appreciation of their value in the governance of Egypt generally. Notwithstanding the medley of races and religions with which the courts have to deal, and the difficult political and geographic position which Egypt occupies, the tribunals have developed a smoothly

working judicial system which for fifty years and more has functioned to the satisfaction of natives and foreigners alike.

The author describes the establishment of the system, the method of selecting the personnel of the courts, the nature of their jurisdiction, and the substantive law and procedure which controls their functioning. He endeavors to show how much of the law has been codified and how much has been evolved through judicial decision from "the principles of natural law and equity." The book is not a treatise on Egyptian law, but it indicates the sources of that law and emphasizes its independence of the systems from which in part it has been derived. Stress is laid also upon the fact that the system antedates the British occupation and that, since it enjoys international protection, it is outside the sphere of influence of the occupying power. Lord Cromer was not favorable to the Mixed Courts system, but the chief danger does not lie in British administrative circles. The author does not seem to fear the rising tide of nationalism in its reaction upon the courts, but in this respect his opinion seems, to the reviewer at least, to be somewhat over-sanguine.

ARTHUR K. KUHN.

New York City.

The Giant of the Western World: America and Europe in a North-Atlantic Civilization. BY FRANCIS MILLER AND HELEN HILL. (New York: William Morrow and Company. Pp. x, 308.)

America is being internationalized and Europe is being Americanized. "A common system of production and merchandising is coming into existence around the shores of the North Atlantic. This system is so universal and so revolutionary in its implication for society that no aspect of life can escape its influence." We are confronted by the beginnings of a new civilization. Such is the theme of this book, which describes, in the first half, the American penetration of Europe and, in the second half, the consequences to European life, political, economic, and social. It is a broad canvas and, for the brush of an amateur, might readily lend itself to extravagant effects and violent splashes of color. Actually one discovers in the treatment a real artistic sensibility, a fine perspective, and an appreciation of half-lights and shadows. The workmanship ranks high when set beside the typical crudity of amateurish journalistic compositions in the same field.

It is the American impact upon Europe, we are told, that is giving shape to the new North-Atlantic unity. If the American continent has been occupied, "the urge that drove man to its occupation and development cannot be expected to disappear simply because geographical limits have been reached." As land-hunger impelled the pioneer, so market-hunger impels the commercial agent. "The maintenance of our standard of living depends upon an expanding market, and the limits of our continental market have in certain instances been reached. When the market's saturation point arrives, the only alternative to going under is to go abroad." America has gone to Europe; and the authors discuss American relations with Europe in all their chief aspects—Europe as a market, for example; Europe as an investment; Europe as an entanglement.

Rôles have been reversed. A century ago Europe menaced America; now she is concerned about her own security. She fears approaching economic subjugation by large-scale rationalized industry from overseas and, afterwards, social subjugation which will involve the values and the way of living to which intellectual Europeans are most attached. So she arms herself by adopting American methods. She entertains plans for a United States of Europe and a Continental market of her own. But through the dust of the conflict the outlines of a new civilization can be discerned. Its chief characteristics are explored in the concluding chapters.

EDWARD MCCHESENEY SAIT.

Pomona College.

Chicago; An Experiment in Social Science Research. Edited by T. V. SMITH and LEONARD D. WHITE. (Chicago: The University of Chicago Press. 1929. Pp. xi, 285.)

The New Social Science. Edited by LEONARD D. WHITE. (Chicago: The University of Chicago Press. 1930. Pp. ix, 132.)

As the brilliant and audacious young president of the University of Chicago said in an address at the dinner celebrating the formal opening of the new social science research building at that institution, in answer to the self-proposed question, "What is the matter with Chicago?," "Why, it is simply an experiment in social science research!" And so it has been regarded for many years by the research-minded of the social science faculties at the University of Chicago. In more recent years, this interest has converged in the Local Com-

munity Research Committee, made up of representatives from the departments of economics, sociology, political science, history, philosophy, and the Graduate School of Social Service Administration. *Chicago; An Experiment in Social Science Research* is a symposium describing the work sponsored by the Committee during the past five years. This assessment of the experiment of the University of Chicago in the intensive study of many phases of urban life in Chicago and its region gives a valuable picture of what is happening in this dynamic center of social science research, and furnishes many leads as to the new developments in research technique which are evolving there to meet the several types of problems under consideration.

"It is quite in accord with her own tradition that the University of Chicago should become the seat of the first building dedicated wholly to research in the social sciences," says Wesley C. Mitchell in one of the chapters in *The New Social Science*, a collection of lectures delivered on the occasion of the dedication of the Social Science Research Building at that institution on December 16 and 17, 1929. No one small volume can adequately analyze the reconstructive processes taking place in the social sciences today throughout the world; but, from Herrick's searching analysis as to whether the social sciences can really justify themselves in being called sciences, through Ruml's original and stimulating discussion of the trends in social science, to Moulton's and Beveridge's appraisals of coöperation and international coöperation in research, this symposium is an enlightening contribution to such an undertaking.

WILSON GEE.

University of Virginia.

Statistics in Social Studies. Edited by STUART A. RICE. (Philadelphia: University of Pennsylvania Press. 1930. Pp. 222.)

In the foreword to this collection of articles by twelve different authors the editor states that the papers were prepared to fulfill the need for an appraisal of the extent to which statistical methods have already been developed, utilized, or foreshadowed in a variety of social and sociological studies. The contributors were urged to direct their discussions to questions related to statistical method, rather than to the content or detailed results of the studies considered. If each of the articles measured up to these objectives, the book would have been a solid contribution; but unfortunately this is not the case. About

half of the contributors failed to give a broad survey of the existing statistical material and the main problems in the fields covered. The three chapters on prohibition have no logical place in the general scheme of the book. They are interesting chiefly as examples of how the statistical techniques of graphical and tabular presentation can be misused by persons who are concerned with proving a case.

The book covers a wide field, including the discussion of statistical studies of such varied subjects as race relations, the family, medical care, dependency, the administration of justice, social attitudes, and personality. The application of many different statistical devices is touched upon. The main problem that seems to stand out in most of the articles is that of the selection of units of measurement in social studies. The measurement of trends, the formation of index numbers of social well-being, the interpretation of correlation coefficients, and the applications of psychophysics to the study of public opinion are among the other statistical problems mentioned. The comments of Ralph G. Hurlin, Donald Young, C. E. Gehlke, and Stuart A. Rice on the limitations of existing statistical studies in certain fields are especially illuminating. Of particular interest to political scientists is L. C. Marshall's discussion of the beginnings of judicial statistics. It is regrettable that Professor Marshall did not discuss the Yale University set-up as well as the one worked out at Johns Hopkins University. Clifford Kirkpatrick gives an excellent discussion of the relative merits of the case-study method and the statistical method in the field of personality problems.

While some of the articles are real contributions, it is unfortunate that the editor did not exercise closer supervision over the entire work and hold each author to the main objectives stated in the foreword.

HAROLD F. GOSNELL.

University of Chicago.

Roosevelt; The Story of a Friendship, 1880-1919. BY OWEN WISTER.
(New York: The Macmillan Company. 1930. Pp. 372.)

Books about Roosevelt seem likely in the course of a hundred years to be as numerous as books about Washington. Owen Wister's *Roosevelt; The Story of a Friendship* goes into the numerous category of appreciations—sometimes depreciations—of Roosevelt, by people who were admitted to his friendship and who had opportunities of personal observation.

Vol. IV, nos. 3 and 4. None of Otis' essays had been reprinted since his death, and most of them had become very rare; in fact, some of them were not obtainable even in the larger libraries. This is particularly true of the *Vindication of the House of Representatives* (1762), which, because of its early date, is of unusual interest in the development of the literature of protest written in the years preceding the outbreak of the Revolution. The reprinting of this essay, of the well known *Rights of the British Colonies* (1764), and of the three pamphlets published in 1765, makes available all of Otis' longer and more formal writings.—B. F. W.

A biography of more than average interest is *Nelson W. Aldrich*, written by Nathaniel W. Stephenson and published by Charles Scribner's Sons (pp. x, 496). The author attempts to examine, not merely the life of a man, but his times as well and the play of forces within which he struggled. Accordingly, the book is an intimate account of the politics of the period and of the party leaders with whom Aldrich was associated. It is preëminently an account of the federal government in action and of its control through partisan alignments. Another biography in somewhat the same vein is that entitled *Thomas B. Reed, Parliamentarian* (pp. xii, 423), written by William A. Robinson and published by Dodd, Mead and Company. The book gives a close account of the changes in congressional procedure and the part played by Reed in the leadership of the House, combining with this a sympathetic and intimate portrayal of Reed's personality. The author defends the "czardom" of the former speaker. Herbert S. Duffy presents a pleasant description of the life and character of the former Chief Justice in a biography entitled *William Howard Taft* (Minton, Balch and Co., pp. 345). The political activities and the administrative tasks performed by Taft are discussed interestingly and adequately, but his judicial work receives very summary treatment. Scarcely a dozen pages are devoted to his justiceship on the Supreme Court. Even though one agrees with the author that "a separate volume would be necessary if one were adequately to record and analyze his decisions," still no biographer can aspire to a full length delineation of Taft without a careful consideration and some evaluation of his work on the bench of the Supreme Court.—E. P. H.

In his *The Peerless Leader: William Jennings Bryan* (Farrar and Rinehart, pp. xvi, 446), the late Paxton Hibben has left behind a

memorial to his own literary skill and ability to portray personalities and movements. Much attention is given to Bryan's early life, religious training, and education, in order to show their influence on his later ideas and actions. Emphasis is placed also on the emotionalism of Americans between the middle of the nineteenth century and the third decade of the twentieth century, with Bryan as the symbol of that tendency. In fact, this may be regarded as the central theme and the original contribution of the volume. There is little that is new in the book, but the method of presentation is novel and of the type which holds the reader's interest to the end. The biography is impartial, although the detailed analysis of Bryan's every thought and movement tends somewhat to emphasize the human frailties of the man. Charles A. Beard has written a preface which is not only a memorial to the author but an interesting essay on American biographical writing.

The Harvard University Press has reprinted *The Laws and Liberties of Massachusetts* (pp. ix, 59), from the copy of the 1648 edition which is now in the possession of the Henry E. Huntington Library. There is an introduction by Max Farrand. This reprint is of great convenience to students of government, history, and law, because it makes accessible to them a document which "was the first attempt at a comprehensive reduction into one form of a body of law of an English-speaking country." *The Laws and Liberties* of 1648 also stands as "the basis of all Massachusetts legislation" and influenced "as well the legislation of other colonies, notably Connecticut and New Haven." It also was a significant step in the establishment of responsible government. The reprinting reproduces the original in type-facsimile. There are also several photostatic reproductions of the original text.

The Colver lectures at Brown University delivered in 1923 by Dean Roscoe Pound, of the Law School of Harvard University, were assembled six years afterwards in a volume entitled *Criminal Justice in America* (Holt, pp. 226) and given timeliness, not only by keen present-day interest in the subject with which they deal, but by the author's membership in President Hoover's Commission on Law Observance and Enforcement. The lectures appear substantially as written out from the notes used in 1923, and the caution is sounded that they are not to be taken as passing a present judgment on matters which the author is "now required to look into more deeply." The first lecture sets forth

the general problem of criminal justice; the second deals with the difficulties involved; the third traces our inheritance from England; the fourth sketches the evolution of criminal justice in America in the nineteenth century; and the fifth discusses criminal justice today. No keener analysis of determining social and economic backgrounds, institutional machinery, current practices and procedures, and fundamental conditions of improvement in this crucial domain of our national life has been written.

The University of Pennsylvania Press has published a little volume (pp. 148) by George Wharton Pepper entitled *In the Senate*. It is a pleasant account of the political experiences of this erstwhile senator from Pennsylvania. Mr. Pepper's service in the Senate was of brief duration, but his story is perhaps all the fresher and sharper for this reason. He gives the impressions of one taken from private life and confronted suddenly with the problems of public office. The book is informal and reminiscent, and makes no pretense of being anything other than the personal record of a brief episode.—E. P. H.

In *American Government Today* (Macmillan Co., pp. 653), Professor William Bennett Munro presents a text intended for use in advanced classes in the secondary schools. The author considers the background and basis of government and then undertakes a discussion of the organization and administration of government, both state and federal, in the United States. He concludes with a section on civic obligations. The material is presented with Professor Munro's usual lucidity, and understanding is further aided by lists of suggestive questions and selected references after each chapter.

The following books on American history which have appeared during the last year have some interest for students of American federal and state government: *The War of Independence; American Phase*, by the late Professor Claude H. Van Tyne (Houghton Mifflin Co., pp. 518); *New York in the American Revolution*, by Wilbur C. Abbott (Scribner's, pp. xiii, 302); and *Ethan Allen*, by John Pell (Houghton Mifflin Co., pp. xii, 331). The portions of Professor Van Tyne's book most useful to students of government are the chapters on "Divided Public Opinion in England," "The Clash of Pamphleteers and Statesmen" over the relations between England and the American colonies,

and "The Declaration of Independence." The final chapter in Professor Abbott's book gives an interesting picture of New York City in the last quarter of the eighteenth century. The latter part of Pell's *Ethan Allen* throws light on the early government of Vermont and the stormy relations of this state with Congress and with the neighboring states of New Hampshire and New York.

STATE AND LOCAL GOVERNMENT

The Seventeenth-Century Sheriff; A Comparative Study of the Sheriff in England and the Chesapeake Colonies, by C. H. Karraker (University of North Carolina Press, pp. xv, 219), is a worth-while contribution to American local constitutional history. The study shows the similarities in the office of the sheriff in England and in Maryland and Virginia to have been more numerous than the differences. "In both countries the office was occupied by representatives from closely resembling social and economic groups, and appointment was made in much the same manner. The colonial office was more sought after because it always assured its occupant a substantial income. His fees were good, even when not supplemented with those of the coroner, clerk, or surveyor, whose offices he sometimes added to his own. He was, besides, free of the great official expenses incurred by the English sheriff while accounting to the Exchequer and entertaining at the assizes. With a few exceptions, the general nature of their duties was alike. The colonial sheriff published proclamations, supervised and returned elections, executed the administrative and judicial business of the courts, kept the peace, and collected the royal and proprietary revenues, performing these ancient duties of the English office in most respects with close conformity to English law and custom. . . . On the other hand, he had, in the colonies, a far greater importance as a financial officer than in England, by reason of the fact that in addition to the royal and proprietary revenues he also collected the poll taxes." The most important divergences in the colonies show the "powerful influence exerted by the newness of the environment upon the remolding of this ancient institution," and may be grouped under six heads: "the increase in financial powers; the lack of judicial functions; the temporary loss of election duties; the more purely local than royal and provincial character of the office; the more democratic character of the office; and its more important place in colonial county government."

Two recent studies of state and local indebtedness, from somewhat different points of view, are *Public Borrowing*, by Paul Studensky (National Municipal League Monograph Series, pp. vii, 137), and Ward L. Bishop's *An Economic Analysis of the Constitutional Restrictions upon Municipal Indebtedness in Illinois* (University of Illinois Studies in the Social Sciences, Vol. XVI, No. 1, pp. 113). Mr. Studensky discusses briefly the development and scope of public borrowing, the trend of expenditures for permanent improvements, legal restrictions on borrowing, a policy of *all* loans vs. *no* loans, the term of loans, and a plan of borrowing combined with taxation. He is of the opinion that it is "possible to combine borrowing with taxation in the financing of permanent improvements, to take care of both the normal and the abnormal expenditures, while avoiding the exhaustion of the borrowing and taxing powers and leaving the way open for the financing of future improvements." Essential features of such a policy are: (1) the planning of expenditures for permanent improvements as a whole instead of by individual items, (2) the preparation of a long-term improvement plan covering a five or ten year period, and (3) the creation of a central controlling authority over expenditures and over the means of financing them. The distinctive feature of Mr. Studensky's proposed plan is "a new method of determining the proportions in which taxation and borrowing should take care of expenditures for permanent improvements." Mr. Bishop concludes that although constitutional limitations on municipal debts in Illinois were successful in correcting certain abuses at the time of their establishment, such methods are not now defensible as methods of regulating the amount of indebtedness, because of the wide variations in assessments, the creation of special municipal corporations, the failure of assessed property values to keep pace with the price level during a period of rising prices, the differences in local needs as measured by the age and population of each community, and various social, economic, and geographic factors apart from property values. The author argues for a more flexible method of combined legislative and administrative control, such as exists in Indiana, Massachusetts, and New Jersey.

The Minnesota Year Book, 1930 (pp. 326), edited under the joint auspices of the League of Minnesota Municipalities and the Municipal Reference Bureau of the University of Minnesota, of which organizations Dr. Morris B. Lambie is the executive secretary and chief of

staff respectively, is the most complete and carefully prepared work of its character known to the reviewer. Although intended especially for officials and citizens of the state of Minnesota, the volume contains a wealth of information and illustrative data for students of state government throughout the country. It should also furnish a model for other states to follow. As a part of the material which has been compiled are explanations of the organization and activities of the state, city, village, and county governments, together with charts, diagrams, and illustrations; tables and digests of statutes regarding taxes, assessed valuations, indebtedness, special assessments, increases in taxation; data on public utilities, including a description of various plants and distribution systems; election procedure; a directory of state and local officers, and a calendar of dates which are of importance in the conduct of the state government. Especially interesting is the section devoted to the regulation of business, professions, and occupations in Minnesota.

The Municipal Administration Service has issued a revised edition of Professor F. G. Crawford's excellent monograph on *The Administration of the Gasoline Tax in the United States* (pp. 35), which appeared originally in 1928. Changes in basic legislation are noted, and, in view of the growing feeling on the part of many cities that they are not obtaining their fair share of the revenues derived from the tax, the author has added a considerable amount of new material on the methods of distributing the tax among the various units of government. Professor Crawford's study shows that a gasoline tax is now found in every state and that in the aggregate this tax as a source of state revenue in 1929 bulked larger than the proceeds of the general property tax. The author warns against the danger of disturbing the smooth workings of the system by too large an increase in the rate of the tax.

The School of Citizenship and Public Affairs at Syracuse University has published a brochure entitled *Municipal Insurance Practices of New York Municipalities* (pp. 95), by Russell P. Drake. The survey covers forty-seven cities and villages and brings together in a helpful manner their practices and problems relating to fire insurance on public buildings, workmen's compensation insurance, liability insurance, and theft and burglary insurance. There is also general discussion, cul-

minating in a number of practical suggestions and recommendations. Another monograph, published under the same auspices, and based on investigations in cities both in and outside of New York State, is *Crime Prevention as a Municipal Function* (pp. 66), by Hubert R. Gallagher. This study also eventuates in constructive suggestions.

The Constitution and Government of Texas, by Frank M. Stewart and Joseph L. Clark (D. C. Heath and Co., pp. 268), is decidedly above the average of text-books written on a particular state. The authors have not only discussed in detail, and largely from original sources, the constitutional history and government of Texas, but they have also made comparisons with other states and have emphasized general principles and tendencies in state government. Of special interest are the chapters on the development of the constitution, the amendment and revision of the constitution, the state executive, and the state administration.

The fourth and final volume of the late William Watts Folwell's excellent *History of Minnesota* (pp. xiii, 575) has been published by the Minnesota Historical Society. The volume consists largely of chapters devoted to social, economic, and educational development, but there is one chapter of particular value to students of state government and politics. It is entitled "The Will of the People," and treats of such subjects as the franchise, development of the election code, election procedure, the Australian ballot, the registration of voters, the growth of the primary system, absentee voting, and corrupt practices legislation.

Public Welfare Administration in Louisiana, by Elizabeth Wisner (University of Chicago Press, pp. 239), is the eleventh volume issued in Social Service Monographs, edited by the Graduate School of Social Service Administration at the University of Chicago. Like an earlier volume of the same nature by Dr. Margaret K. Strong, relating to Canada, Miss Wisner's book is of interest almost equally to the student of social welfare and the student of public administration. In the branch of governmental activity dealt with, Louisiana is not a typical state. Its administrative antecedents are Spanish and French as well as American; and it has been affected but slightly by movements for the reconstruction of social services which have made headway in other

Southern states such as Virginia, North Carolina, and Alabama. As a matter of historical record, at all events, Miss Wisner's study gains in significance on this account.

The Racket and Tax Reform in Chicago, by Herbert D. Simpson (Institute for Economic Research, pp. 287), presents the results—often astonishing and always significant—of a four-year investigation of the tax situation in Chicago, brought down to include the reassessment ordered by the state tax commission in 1928, the relief program of the Citizens' Committee, and the Illinois legislation in the summer of 1930. Chicago's widely-advertised fiscal disorders of a few months ago furnish a dramatic background for one of the most thorough studies of a taxation system ever made in this country.

The proceedings of the Twelfth American Country Life Conference, held at Ames, Iowa, in 1929, have been published by the University of Chicago Press under the title *Rural Organization* (pp. ix, 186). There is a small section on government and taxation which includes brief papers on "Changes in State Legislation Affecting Local Government in Iowa," "Services Furnished to Farm People by Federal Departments," and "Equalization Problems in State Legislation."

FOREIGN AND COMPARATIVE GOVERNMENT

In his recent biography of *Lord Melbourne* (Macmillan, pp. 322), Mr. Bertram Newman, who has already written on such different characters as Edmund Burke and Cardinal Newman, now provides us with a very useful, readable, and timely volume on a character nearly as different from Burke and Newman as they were different from each other. Melbourne deserves well of a biographer, and Newman has done well by him in this clear, well-written, and entertaining as well as instructive volume. As so many of our now popular sex-historians and gossip-mongers have too abundantly proved, it would have been easy to do otherwise. Mr. Newman has avoided many obvious temptations to make his book more scandalous and less true, and he has provided us with an account of Melbourne and his times for which we may all be grateful. Despite his modest disclaimer of not attempting "to add to the knowledge of the period," and his obvious and acknowledged indebtedness to other writers, notably Halévy, he has summed up the considerable literature which has appeared on

Melbourne's time since Torrens' revised *Life of Melbourne* was published, some forty years ago, and has produced a volume which may be—and it may be hoped will be—read with pleasure and profit by a great many people.—W. C. A.

American Precedents in Australian Federation, by Erling M. Hunt (Columbia University Press, pp. 286) is a useful sketch of the federation of Australia which pushes the work of C. D. Allin and of Quick and Garran farther along the trail of American precedents. The author has been less interested in trying to determine the psychological setting of the federation movement in Australia than in collecting references to American precedents as they stand in the debates of the series of constitutional conventions from 1891 to 1898. More use of the biographical material now available and of the cultural connections with the United States would have been interesting. Bryce's influence is hardly enough emphasized, perhaps because it is so well known. The book has really a wider scope than its title. It avoids the pitfall of trying to exaggerate the material suggested by its title and brings together in a competent fashion the main contributions which were made by Australians to their own constitution—showing that the adaptations from American precedents were far from being slavish in imitation.—W. Y. E.

Shadows and Realities of Government, by F. A. Bland (pp. x, 316), published in the series of economic, political, and social studies of the Workers' Educational Association of New South Wales (Sydney), is a study of the organization of the administrative agencies of government, with special reference to New South Wales. It deals with the recruiting, training, and organization of the public service, and gives a brief outline of the work assigned to the various departments in New South Wales. A chapter is devoted to Parliament and public service, and another to the Arbitration Court, or Public Service Board, with fifty pages on suggested reforms. The work is mainly descriptive, but also critical. In particular, it focuses attention on the incursion of administration into many new domains, with the accompanying rapid multiplication of commissions and independent departments removed from direct control of ministers and Parliament. The author shows the continuous interference of politics with administration and makes suggestions for eliminating the evils thereof, while retaining the

advantage of a close alliance between public opinion and public policy.
—S. P. L.

Must England Lose India?, by Lt. Col. Arthur Osborn, D.S.O. (Alfred A. Knopf, pp. vii, 280), is a frank and courageous attempt on the part of one who admits that he himself has sinned against India to bring to the attention of the British public what he conceives to be the fundamental causes of India's present discontents. In part, the book is one of the many answers to Miss Mayo's accusations, which the author holds to be of little weight and largely irrelevant as far as political issues are concerned. The main thread that runs through the book, however, is the attack on the British public schools as the main source of the "class-conscious superiority, physical force, and arrogant self-esteem" which the author regards as characteristic of the rulers of India. These schools, in his view, "have produced a class of men, wooden-headed, unimaginative, intolerant, and reckless, who have made impossible the development of any equal and friendly coöperation between the British and the natives, not only of India, but of all the other colonies as well. The book, which is eminently readable, is illuminated by a number of anecdotes calculated to bear out the author's contention that "the political outlook of the Englishman in India is always at least twenty years behind that of the men in the same position in England."—R. E.

Readers of *India's Political Crisis* (Johns Hopkins Press, pp. 190), by Professor William I. Hull, will find the book a very successful attempt to interpret in an unbiased, non-partisan manner the aspirations of various parties and other groups concerning India's future. In the main, the sponsors of the various well-known plans—complete independence, dominion status, etc.—are allowed to speak for themselves, and the volume becomes essentially a calendar and synopsis of a running debate which has kept the country astir since the National Congress faced its first resolution for independence some ten years ago.

It was a little difficult at first for Americans to understand why so balanced a document as the Simon Report met with such unanimity of disapproval in India. Mr. C. F. Andrews' *India and the Simon Report* (Macmillan Company, pp. 192), written from the author's long Indian experience and close friendship with Gandhi, shows the psycho-

logical background of the Congress nationalist attitude. It is written with the frankly propagandist hope of persuading his English friends that only by conceding the full nationalist claims and by undergoing a change of heart and attitude toward the problem of racial equality can they hold India to loyalty to the British Commonwealth of Nations. Mr. Andrews is very little concerned with the economic aspects of this surrender.

The Carnegie Institution at Washington has published the third volume of the *Proceedings and Debates of the British Parliaments respecting North America, 1702-1727*, edited by Leo Francis Stock (pp. xxvi, 571). This volume covers the reigns of Anne and George I. During the War of the Austrian Succession, the state of trade and problems arising out of the war predominated in Parliament's attention to colonial matters. Such subjects as naval stores production, the convoy system, the Navigation Acts, and trading with the enemy came repeatedly within the purview of Parliament. After the war, much attention was given to the economic expansion of the empire, and much light is shed on the fisheries and the colonial trade, especially in tobacco and woollens. Probably three-fourths of the time given by Parliament to colonial matters was devoted to the general state of trade. Parliament manifested practically no independence and made no efforts to interfere with the crown's administration of the colonies. In most instances, the action taken by Parliament was suggested to it by the Board of Trade. There are included, also, in this volume the debates and proceedings of the Scottish and Irish parliaments concerning the American colonies. The work is provided with a good index. The footnotes are excellent and exhibit erudition and painstaking research. The introduction, however, is a little disappointing. The work is a distinct contribution to the history of the English colonies in America.—R. C. W.

Select Documents of British Colonial History, 1830-1860, edited by K. N. Bell and W. Morrell (Oxford University Press, pp. 1610), which covers the crucial period in the development of responsible government in the British colonies and the end of the old colonial system, is distinguished chiefly by an able chapter of biographical introduction that aptly sets the stage for the documentary material. The introductory notes and comments to the subsequent divisions are written with less epigrammatic brilliance but with great soundness of scholarship. By

refusing to be tempted to include the more obvious documents easily available to the student elsewhere, the editors have enriched the volume with many selections that lend a nuance of difference from the cut and dried historical view of a character or of an official decision. By selecting a limited period and sticking to the policy of opening new documents to the ordinary student, the editors have made a real contribution.—W. Y. E.

The History of British Civilization (pp. xix, 1332), by Esme Wingfield-Stratford, published by Harecourt Brace and Company in two volumes two years ago, has now been issued in a one-volume edition. This magnificent work presents with rare eloquence and imagination a record of Britain's past, bridging time dramatically and bringing a fulsome yet unified picture to the modern reader. Nor does the title belie the content: the course of a civilization is depicted.

Germany in the Post-War Period, by Erich Koch-Weser (Dorrance, pp. 222), is a small book covering a larger subject than its title indicates. The author is a prominent German statesman and political leader of the Stresemann school who writes in the spirit of Locarno. It is a book that will be read with great sympathy and appreciation by all who pride themselves on a broad super-national view and who like to approach international relations from the world standpoint. Koch-Weser prefaces his discussion of the position of Germany with several chapters reviewing the policies of the major powers and evaluating such forces as nationalism, imperialism, and pacifism. The evolution of German policy from the time of Versailles to the Young Plan is a subject of dramatic interest in itself, and it loses nothing from the telling by a man so well informed and broadminded as the author of this book. Of greatest interest, however, is the second part, in which the problems of Eastern as against Western orientation, of Continental as against Anglo-Saxon policy, and of Pan-Europe are taken up. The reader will find throughout a depth of understanding and knowledge that is rarely to be discerned in ephemeral political literature. As an exposition of the policy represented by Stresemann and his followers, this little book can hardly be surpassed.—W. L. L.

The Recovery of Germany, by James W. Angell (Yale University Press, pp. 425), is the fruit of study and travel in Germany in the

year 1928-29. The task of describing the changes in the economic life of a great nation over a decade is formidable; and it is obviously necessary to summarize secondary sources of information in the performance of it. The gratitude of the English-reading public is due to Professor Angell for having presented such an interesting summary, and for having sifted the material with the aid of that background of judgment derived from "company balance sheets and reports, personal observation, and . . . conversations with a fairly wide range of people in public and private economic life . . ." (p. 362). It is inevitable in such a work that the specialist in any particular phase will not be satisfied with the part dealing with his *Fach*. But it gives a glimpse of the valley which the helots will plough.—R. O.

Dr. Albert P. Pinkevitch's book, *The New Education in the Soviet Republic* (John Day and Co., pp. 403), translated by N. Perlmutter, merits attention as the only volume on the topic written by a Russian and available for American readers. Originally intended as a text for Russian university students, it has been somewhat revised and abridged in translation. It gives us not only an account of the educational system in the Soviet Republic, but also insight into the philosophy on which the system is based. Whether or not one agrees with the definitely Marxian point of view, or with the criticisms of bourgeois education, the book is worth reading. The Soviet government is carrying on an experiment of gigantic proportions with a thoroughness which cannot fail to interest both the student of education and the student of social problems in general.—R. O.

INTERNATIONAL LAW AND RELATIONS

The Soviets in World Affairs: A History of Relations Between the Soviet Union and the Rest of the World, by Louis Fischer (Jonathan Cape, two volumes, pp. 1-464, 465-892), is a diplomatic chronicle of issues between revolution and status quo, between socialistic-planned economy and capitalistic *laissez faire*—a conglomerate history of what Soviet and other national statesmen said, did, wrote, thought (or might have thought, had they thought) about each other and their respective policies, singly or in groups, during twelve troublesome years. It could very well pass as a ticker-tape record of recurrent subjects as they came up in the collegium of the Commissariat of Foreign Affairs since 1917, a colossal mass of official statements and opinions, plus interpella-

tions, historical summaries, interpretations, mind-reading feats, and romantic assumptions by Mr. Fischer. Continuity is there—by reason of the unbroken thread of time. Students whose previous knowledge permits them to discriminate should find this a valuable source book. Certain of the “revelations” are not new. There is, nevertheless, an abundance of fresh material, doubly welcome now as economic depression brings to focus the issues between the two conflicting systems. There are mechanical defects. References to sources appear only in footnotes; the customary critical bibliography is lacking. The index is serviceable to readers who know the field. But the table of contents serves only to exasperate. Nondescript chapter headings such as “Bright Rays in France,” or “Dark Clouds over London” bewilder rather than guide one to the numerous and important sub-titles of the text. The introduction would indicate that little is left to be done. Mr. Fischer admits that he has bagged as sources nearly all the important people, documents, diaries, and other mysteries of the revolution denied to the average student of the Russian “enigma.” From this mass reproduction a research student might extract a broad, topical outline of Soviet foreign relations, replete with Communist ideology, but minus the tone quality of polemic omniscience with which Mr. Fischer offends objective scholarship.—B. C. H.

The Path to Peace, by Nicholas Murray Butler (Scribner's, pp. xiii, 320), dedicated to Aristide Briand, brings together a score of essays and addresses of President Butler on peace and its making in the period from 1924 to 1930. Two of these are printed in French, being French versions of speeches made by the author in Paris, and one is printed both in English and in German, being the address delivered by Dr. Butler before the Reichstag in 1930. The volume testifies to how much the author has done to interpret the United States to Europe and Europe to the United States, and to the share he had in preparing the state of public mind here and abroad for the Peace Pact and its spirit. It further shows that a zealous apostle of peace though President Butler may be, he never forgets the realities of the world nor tends to minimize the effort that is needed to mould world society into a peacefully organized society. With deep thinking and the experience of history, he points out that it is going to test statesmanship in the next twenty-five or fifty years to deal with the minority problems in Europe; he does not hesitate to declare his conviction that the treaty

of Versailles created many problems of boundaries which must sooner or later be settled; and he does not mince his words in telling us that the greatest danger of international friction and conflict in the present day lies in the attempt to satisfy the economic wants of nations. What Dr. Butler believes is that all these problems need not be solved with the "pestiferous barbarism" of a bygone age and with involving the world in a new catastrophe which does not really solve anything, but by a determined "will to peace" and "habit of peace." Many people feel that nationalism and internationalism involve a conflict of loyalties to a country and to the world. Dr. Butler would seem to find no such conflict, as there is only one loyalty needed—to one's own country—provided this is an enlightened loyalty.—S. P. L.

Students of diplomatic history will find much illuminating material in the fourth volume of the British *History of the Great War, Naval Operations* (Longmans, pp. xi, 412, with maps and diagrams in separate case). It is clear that the Committee of Imperial Defense could not have made a happier choice to carry on the work of the late Sir Julian Corbett, for Sir Henry Newbolt's style is worthy of his great subject. After analyzing the results of the battle of Jutland, the author deals with "a new kind of war, a naval war on a vast scale, but conducted mainly by blockade and counter-blockade, both unexampled in kind; and with a moral struggle in which the vital conflict at sea was inseparably interwoven with a conflict of imponderable forces, acting by intrigues and negotiations, national and international." He therefore goes beyond the narrative of submarine warfare and desperate counter measures to disentangle the threads of Anglo-French policy with regard to Greece, and to explain, in fifty stirring pages, "the true climax of the war," the German decision to play the last card, unrestricted submarine warfare. The volume closes with the almost desperate situation at the end of April, 1917—that black month in which German submarines destroyed 881,027 tons of shipping at the cost of two UC-boats. "Admiral von Holtzendorff's prophecy of victory was apparently verging toward fulfillment, and only a change in our system of defense could turn the tide."—J. P. B.

The Coming of the War, 1914, by Bernadotte E. Schmitt (Scribner's, two volumes, pp. 539, 515), is a most detailed and scholarly analysis of the evidence bearing on the famous crisis of 1914. Professor

Schmitt has examined all the material on the subject and follows the story through to the entrance into the war of even the minor powers. Two introductory chapters deal with the European states system in the years preceding 1914 and with the evolution of the Near Eastern question in the pre-war period. There is a very complete study of the involved problems raised by the assassination of the Archduke, and of the Serbian policy in relation to the plot. In discussing the attitude of the major powers, Schmitt differs widely from the so-called revisionist writers. He regards the Austrian policy with considerable understanding, but devotes a large part of his book to an attempt to make out a case against the Germans. He holds that the German government was fully aware of the Austrian plans when it promised support and that the German action was one of encouragement rather than of restraint. An effort is made to explain the questionable aspects of the French policy and to minimize the importance of the Russian mobilization. The English statesmen come off best in the general estimate. The book is heavily documented throughout and very closely reasoned, but many objections can be raised to the form of argument and to the conclusions derived from the evidence. As an attempt to present a view widely at variance with that of men like Fay, the book deserves the careful attention of all students of European diplomacy.—W. L. L.

The World Crisis of 1914-1918, by Elie Halévy, is a booklet of fifty-seven pages containing the Rhodes Memorial Lectures delivered in 1929 at Oxford. The first lecture defines the forces which at the beginning of the century made for revolution; the second defines the forces which made for war; the concluding one attempts to interpret the causes of the world crisis in terms of these two forces. Though coming from a distinguished historian, this latest attempt to lay down a broad interpretation of the forces underlying the world crisis of 1914-1918 is distinctly a generalization, perhaps in tone with the special nature of the occasion. The object of these lectures, Professor Halévy points out, is not to give a history of the World War, but rather to suggest a new way of approaching its history through knowledge of the action and interaction of the forces making for revolution and for war.—M. W. R.

The sphere covered by the Berkshire Studies in European History (Henry Holt and Co.) has been enlarged by the addition of David Ed-

ward Owen's *Imperialism and Nationalism in the Far East* (pp. xii, 128) and Halford Lancaster Hoskins' *European Imperialism in Africa* (pp. x, 118). Since this series has hitherto confined itself to Europe, with the exception of one study of the British Empire, the present contributions to it represent something of a departure from its traditions. In both the present volumes, however, the European influence is strongly stressed, especially in the case of the work on Africa, which does not attempt to penetrate far beyond the external diplomatic history of the partition of that continent by the European Powers. Mr. Owen's study delves somewhat more deeply into the internal history and conditions of China and Japan. As in the other volumes of the series, the presentation of the subject matter is straightforward and conventional, and no effort is made to embody original research or to sustain any new thesis. Both are equipped with useful brief bibliographies.

Essai de Droit Pénal International—L'Affaire du Lotus, by G. Canonne (Librairie du Recueil Sirey, Paris, pp. 345), is Volume IV in the series of the Bibliothèque de l'Institut de Criminologie et des Sciences Pénales de Toulouse. It deals with the juridical problems arising from the Lotus case and analyzes, in particular, the decision of the Permanent Court of International Justice handed down in this Franco-Turkish dispute. The study has a character of admirable comprehensiveness, although at times it transcends its subject. The discussion is serious and of great clarity. Its chief merit lies in its use of the Lotus case as a test of the extraterritorial theories of criminal law in the world community of today.

A Collection of Nationality Laws of Various Countries as Contained in Constitutions, Statutes, and Treaties (pp. 776), by Richard W. Flournoy, Jr., and Manley O. Hudson, has been published by the American branch of the Oxford University Press. Part I deals with the provisions contained in the constitutions and statutes of the different states throughout the world. Part II contains a collection of the treaties, conventions, and other agreements concerning nationality and military service. The work is arranged according to states, the constitutional and statutory provisions of each country being prefaced by a brief editorial note and bibliography. There is also a very useful analytical index.

Mexico and her Foreign Creditors (Columbia University Press, pp. 449), by Edgar Turlington, is a dispassionate and exceptionally interesting study of the experience of the Mexican government in making loans abroad. It is a fine example of a coöperative undertaking by a group especially qualified by training and experience for such a task. It deals with a subject, too, upon which, through lack of any authoritative exposition, there has been a large amount of discussion having little relation to fact. No more serious work has been attempted recently in setting out the relation of the foreign debt of a Latin American state to the national economy and to its international relations. Its conclusions will do much to dispel the widely held opinion that creditors have always demanded usurious terms from Latin American borrowers, and also that the latter have uniformly treated with scant consideration their obligation to meet the terms of loan contracts. The volume is a decidedly worth-while contribution to our studies of international finance and diplomatic history.—C. L. J.

Students of international relations will find in Christina Phelps' *The Anglo-American Peace Movement in the Mid-Nineteenth Century* (Columbia University Press, pp. 230) a convenient historical sketch of earlier peace societies, plans for a congress of nations, movements to codify international law, arbitration and disarmament movements, and related developments in the period 1835-53. An interesting feature is a parallel column comparison of an American plan for a congress of nations dating from 1840 and the scheme of international organization embodied in the present League of Nations.

La Juridiction de la Cour Permanente de Justice Internationale dans le Système des Mandats, by Nathan Feinberg (Paris, Rousseau et C^{ie}, pp. 238), is a clear and reasonably well-written analysis of the relationship of the World Court to all phases of the mandate system. Most of the author's conclusions, which are temperate but optimistic, are derived from the implications of the Mavrommatis case.

POLITICAL THEORY AND MISCELLANEOUS

Das Gesetz der Macht (Wien: Julius Springer), is the latest contribution of Friedrich Wieser to social philosophy. The purpose of the work is to show the law of the development of *Macht* and how the rigid law of external *Macht*, in the course of time, has changed into

the moderate laws of law and ethics (p. iii). Following Spinoza, Wieser defines social (*gesellschaftliche*) *Macht* as the control over individuals (p. 5). But Wieser makes a distinction between inner *Macht* and outer or external *Macht*. Inner *Macht* is simply the control over individuals, such as legal power, moral power, powers of art and science, powers of ideals, etc.; while outer *Macht* is the control over individuals by the possession of the external *Machtmittel*, "power-means." Such external means may be arms or other physical forces. According to Wieser, *Macht* is derived from success (p. 23). *Macht* and success always go hand in hand. In this respect, Wieser's theory is similar to the old doctrine of certain German writers, particularly of Nietzsche, that might is right. With Wieser, *Macht* is success. His only point of departure from the old German doctrine is that *Macht* means not only might but also moral power, the powers of ideas, etc., (inner *Macht*). Wieser also maintains that all human history is a history of the formation of *Macht*. A theory of history is a theory of *Macht* formations (p. 206). This is, indeed, a *Macht* interpretation of history, which was also the doctrine of Eugen Dühring; only, Dühring lays more emphasis upon *Gewalt* (force), while Wieser has a broad concept of *Macht*. Dühring regards *Gewalt* as an historical evil, while Wieser recognizes *Macht* as an historical necessity. The course of *Macht*, says Wieser, begins with the work of violent force (*rohen Gewalt*) and ends in the peaceful symbiosis of the contradictory but balanced *Macht* (p. 534). The law of *Macht*, he repeats, begins with the "force-form" (*Zwangsform*), which gradually develops into the legal form (*Rechtsform*). The latter, in turn, develops into inner legal power (*innere Rechtsmacht*). This is, according to Wieser, "the eternal way of history" (p. 546). Such is the law of *Macht*. In terms of this law, Wieser interprets the whole history of mankind.

—S. H. M. C.

It is difficult to see to what type of reader R. G. Hawtrey's *Economic Aspects of Sovereignty* (Longmans, Green and Co., pp. 162) can hope to appeal. It is too heavy in style and somewhat too didactic for the general reader, and far too summary and superficial for either the economist or the political scientist. The general thesis of the work, which is composed of a course of lectures delivered at the Lowell Institute in 1929, is that political questions are in the main substantially economic, that governments are continually involved in economic is-

sues, and that from these issues arise the conflicts which, in a world which has not advanced beyond international anarchy, can be solved only by an appeal to arms. The treatment of this inexhaustibly rich field is, however, trite and commonplace, and marred by the dogmatic assertion of a succession of half-truths. All too frequently, actual misstatements are made, as, for instance, that "war between any two states wipes out all treaties and agreements between them," or that the real bond between Great Britain and the Dominions is that "they are adherents of one and the same sovereign power," although sovereignty is later stated to mean the possession of absolute dominion within the territorial jurisdiction of the state.—R. E.

Civil War Prisons; A Study in War Psychology, by William Best Hesseltine (Ohio State University Press, pp. 290), is a very scholarly study of the facts and the legends about the treatment of prisoners on both sides during the American Civil War. The monograph shows a praiseworthy effort toward the scientific viewpoint which would view an incident as a particular case of an oft-repeated social situation. If the book leaves the impression that most of the scientific psychology is in the title of some chapters and in the sub-title of the book, due allowance must be made for the thoroughly conventional atmosphere in which Professor Hesseltine received his historical training. That he was able to achieve anything like a comparative perspective is very much to his credit. Legends about prisoners abound in war, and the books about war are legion. Sometimes more emphasis is put on enemy atrocities than usual. Sometimes the study of the facts discloses more substantial bases for atrocity stories than usual. No doubt there are general circumstances in which cruelty is frequent and atrocity tales abound. If such predisposing circumstances are to be found, there must be an analysis of the atrocity problem which guides historical research to the choice of cases which have general significance. This book shows no such rigor of analysis, but it displays a healthy sense of discomfort with the routine accumulation of more lumber with which to build an unspecified house. After all, the house may require bricks.—H. D. L.

Although Mr. J. B. Condliffe's *New Zealand in the Making* (University of Chicago Press, pp. 524) bears the sub-title "A Survey of Economic and Social Development," the book contains many chapters

that will interest students of government. Among these may be mentioned "The Origins of State Socialism," "The Economic Functions of Government," "State Regulation of Wages," "Imperialism and Foreign Affairs," and "An Experiment in Democracy." The author—formerly professor of economics in Canterbury College, and at present research secretary of the Institute of Pacific Relations—is a New Zealander of the highest competence, and his book proves to be one of the best interpretations of governmental development in a virgin land, as influenced by social and economic factors, that has ever been produced. The curious weakness of the Dominion's educational system is dwelt upon as a cause of "the very evident intellectual lag which in the recent period of prosperity has turned its people from the paths of experiment into those of satisfied conservatism and even mediocrity."

The Labor Philosophy of Samuel Gompers (pp. 190) is written by Louis S. Reed and published by the Columbia University Press as one of the studies in its series on history, economics, and public law. The author develops his topic with admirable clarity and conciseness and presents a work of decided interest and value to those concerned with the problems of organized labor. Gompers' theories were of the simplest, and he expounded and applied them over a long life. Hence there are no great revelations in Dr. Reed's volume. The author points out that "Gompers came to the labor movement at the beginning of an epoch. He helped discover the politics that were right and good for that epoch, and led in building the movement upon these policies and principles. The movement passed into a new epoch. But Gompers never recognized that the new epoch had arrived.—E. P. H.

The organized pacifists have fought a long war toward the end of peace and, as set forth in *The American Peace Crusade 1815-1860* (Duke University Press, pp. x, 250), by Merle Eugene Curti, their work has not been entirely in vain. Continuing endowed agencies for the dissemination of peace propaganda have been established, brilliant arguments against war written, and practical plans for peace evolved. Of the early peace crusade, the author admits it is "probably true that the organized work against war failed to exert any marked influence on governments, that it had little if any influence either in modifying treaties or in averting conflicts." The expert pacifist propagandist of

the present time is seemingly more sophisticated and more skilled in publicity technique than the pioneers of the movement, who were thoroughly suffused with a zeal for general human reform. Their concern was in organizing good-will and preaching brotherhood; the contemporary peacemakers concentrate their attention more directly upon legislators and diplomats. Mr. Curti's volume is a welcome contribution to an aspect of American history that has heretofore received scant attention.

The polemic literature on the prohibition question is added to by three recent volumes: *An Indictment of Prohibition*, by Joseph S. Auerbach (Harper and Brothers, pp. 94); *Is Amendment Eighteen Treason?*, by Joshua Grozier (The World Press, pp. ix, 148); and *What Rights Are Left?*, by Henry Alan Johnston (The Macmillan Company, pp. x, 177). Mr. Auerbach, with earnestness, tempered by weariness, critically discusses the existent prohibition laws and suggests a return to state control. The savoir-faire of this volume contrasts greatly with the rather fantastic theme of Mr. Grozier, who attempts to prove that Congress transgressed its powers to the point of "unrepublican degeneracy" in passing the Eighteenth Amendment. Mr. Johnston, in the light of federal and state statutes and court decisions, attempts to inform the reader as to just how far prohibition prohibits. This volume may prove a solace to the legalistically-minded wet possessed of a thirst and a conscience.—E. P. H.

In *Toward Civilization* (pp. vii, 307), published by Longmans, Green and Co. and edited by Charles A. Beard, modern civilization is considered from a point of view quite different from that assumed in *Whither Mankind*. In the present volume, Dr. Beard marshalls an array of engineers and scientists who take up the cudgels in defense of the machine age and answer the criticism made by the specialists in the humanities. The volume includes discussions of power, transportation, agriculture, art, and leisure, considered in the light of the new problems and values introduced by the expansion of industry and the advances in technology.—E. P. H.

The National Industrial Conference Board presents an enlarged and revised edition of *Public Regulation of Competitive Practices* (pp. ix, 32), a study which first appeared in 1925. Governmental policy in the

surveillance of business practices is discussed in detail, the present state of the law is indicated, and the federal administrative agencies affected are critically analyzed. A chapter on the Trade Practice Conference and additional material upon important developments in the Federal Trade Commission make this edition very timely.—E. P. H.

D. Appleton and Co. has published a second edition of H. L. Lutz's *Public Finance* (pp. xv, 759). Not only has the author brought the subject matter down to date, but two new chapters have been added, on the poll tax and on characteristics and tendencies in American taxation. The work is of special help to students of government because of the emphasis on tax administration, the property tax, state income taxes, the growth of public expenditures, public ownership, including such experiments as state banks, warehouses, and mills in North Dakota and the ownership of street railways in San Francisco, Seattle, and Detroit, and the growth of local debts and attempts to restrict the same.

American tax literature has lately been enriched by the publication of Mr. Carl S. Shoup's *The Sales Tax in France* (Columbia University Press, pp. 369). The study on which the volume is based was remarkably thorough and productive, and while a general sales tax for federal purposes is not the live issue in this country that it was shortly after the war, growing interest in the tax in connection with state and local finance will give the volume a high degree of practical, as well as scholarly, importance.

Students of government who are looking for a source of information which will give them a clearer understanding of certain technical matters having to do with procedure in criminal cases will find Edwin R. Keedy's *Cases on Administration of Criminal Law* (Bobbs-Merrill Co., pp. xx, 586) of definite assistance. There are extracts from legal treatises and court decisions on such subjects as investigations by grand juries, indictments, interstate rendition of fugitives from justice, jury trials, the conduct of the prosecuting attorney, methods of review on behalf of the accused, and the scope and effect of executive clemency. Over two hundred cases are reported.

In *Foreign News in American Morning Newspapers; A Study in Public Opinion* (Columbia University Press, pp. 122), Professor Julian

L. Woodward has made an interesting inquiry into the possible applications of a "statistical and semi-behavioristic approach" to the study of public opinion. He considers the validity of the newspaper content index as still open to question at the end of what is essentially a methodological study, but believes that his results create a presumption in its favor. A suggested list of topics for further research in the field should serve as a challenge to other inquirers.

In *The Church of England and Social Reform Since 1854* (Columbia University Press, pp. 341), Mr. Donald O. Wagner has sought, not to rehabilitate the Church as an agency of reform or to palliate its tendency to put its worst foot forward, but merely to state its position on matters such as temperance, education, housing, factory legislation, and trade unionism, "whether that position happens to have been admirable or the reverse." Students of popular and group attitudes toward the expansion of governmental functions will find the volume suggestive.

Professor Wilson Gee's *The Place of Agriculture in American Life* (Macmillan, pp. 217) is the latest addition to the World Today Bookshelf and presents a readable and authoritative bird's-eye view of American agriculture and its pressing problems at the present day. A chapter on the farmer in politics lightly sketches the rise and decline of the Granger movement, the Farmers' Alliance, the Populist party, the Non-Partisan League, and the Farmer-Labor party. The book is, however, chiefly of economic and sociological interest.

Dr. Leo Pasvolsky's *Bulgaria's Economic Position* (The Brookings Institution, pp. 409) is a companion volume to the same author's *Economic Nationalism of the Danubian States*, dealing with Austria, Hungary, Czechoslovakia, Yugoslavia, and Rumania. The volume will have even greater interest for students of international affairs than the earlier one, for the reason that Bulgaria has availed herself more largely than any other country of the good offices of the League of Nations in her effort to rehabilitate her economic life. An appendix consisting of significant documents fills nearly a hundred pages.

In the first volume of his *Histoire Constitutionnelle de l'Union Amériqne*, entitled *La Naissance du Fédéralisme aux États-Unis*

(Recueil Sirey, pp. 289), Professor Jacques Lambert, of the University of Lyon, retells the oft-told tale of American constitutional and political history from the founding of the seaboard colonies to the close of the War of 1812. The book is of respectable quality, but has no special claim to distinction, except perhaps as it elucidates early American constitutional experience in terms easily comprehensible by European readers.

Mark Sullivan, in *Pre-War America* (Scribner's, pp. xvii, 586) adds another volume to his *Our Times*. The present book contains much of interest to the student of politics and includes a variety of incidents unnoticed by the orthodox historian. The resulting *potpourri* is well blended and seasoned, the story of the Roosevelt administration being particularly noteworthy.

Robert E. Riegel presents the epic of westward expansion in *America Moves West* (pp. x, 595), published by Henry Holt and Company. The subject is treated with a verve that seems eminently fitting and enlivened with song and story of indigenous origin. The description of life and manners, as well as the historical sequence of events, makes for a vivid book, informative and interesting.

America Looks Abroad, by Paul M. Mazur (Viking Press, pp. 299), is a work in popular style on the relation between America's economic problems and the internal economic developments of Europe. The author touches upon a wide range of subjects, among them being the loss of financial leadership and foreign markets by European states and the gradual growth of what the author calls American economic supremacy, the tariff question, mass production, and consumption. The international economic difficulties resulting from the war will be settled only, the author says, when Europe has become industrially-minded and America internationally-minded.—M. W. R.

The Thomas Y. Crowell Company has published a revised edition of Gordon S. Watkins' *Labor Problems* (pp. xvi, 726), which was originally issued in 1922. The chapters of especial interest to students of government are those on hours of labor, child labor, immigration and American labor, socialism, adjustment of industrial disputes, and international control of labor relations.

RECENT PUBLICATIONS OF POLITICAL INTEREST BOOKS AND PERIODICALS

CHARLES M. KNEIER AND CHARLES S. HYNEMAN

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

- Adams, J. T.* A searchlight on America. Pp. 262. London: Routledge.
- Adams, Samuel Hopkins.* The god-like Daniel. N. Y.: Sears Pub. Co.
- Auerbach, Joseph S.* An indictment of prohibition. N. Y.: Harper's.
- Berman, Edward.* Labor and the Sherman act. Pp. xviii+332. N. Y.: Harper's.
- Brown, Cecil K.* The state highway system in North Carolina. Chapel Hill (N. C.): Univ. of N. C. Press.
- Clark, Victor S., and Associates.* Porto Rico and its problems. Washington: Brookings Institution.
- Fuess, Claude M.* Daniel Webster. 2 vols. Boston: Little, Brown.
- Gordon, James L.* Whither America? N. Y.: Fleming H. Revell.
- Green, Fletcher M.* Constitutional developments in the south Atlantic states. Chapel Hill (N. C.): Univ. of N. C. Press.
- Green, Harry J.* Study of the legislature of the state of Maryland. Pp. vi+109+xii. Baltimore: Johns Hopkins Press.
- Grozier, Joshua.* Is amendment eighteen treason? Pp. ix+148. Denver: World Press, Inc.
- Hankin, Gregory, and Hankin, Charlotte A.* Progress of the law in the U. S. supreme court: 1929-1930. Washington: Legal Research Service.
- Herring, James M.* The problem of weak railroads. Philadelphia: Univ. of Pa. Press.
- Huddleston, Sisley.* What's right with America. Pp. 252. London: Harrap.
- Kent, Frank R.* The great game of politics. (Rev. ed.). Pp. 360. Garden City: Doubleday, Doran.
- Lambert, J.* Histoire constitutionnelle de l'union américaine. Vol. 1. La naissance du fédéralisme aux États-Unis. Pp. 289. Paris: Recueil Sirey.
- Leach, Paul R.* That man Dawes. Pp. 349. Chicago: Reilly & Lee.
- Lief, Alfred.* The social and economic views of Mr. Justice Brandeis. Pp. 419. N. Y.: The Vanguard Press.
- McBride, Mary Margaret.* The story of Dwight W. Morrow. N. Y.: Farrar & Rinehart.
- McGowney, Dudley O.* Cases on constitutional law. Pp. xxxix+1803. Indianapolis: Bobbs-Merrill.
- McLaughlin, James Angell.* Cases on the federal anti-trust laws of the United States. N. Y.: Ad Press.
- Mason, Charles H.* Citizenship. Pp. viii+483. N. Y.: Oxford Univ. Press.

- Millon, George Fort.* The age of hate. N. Y.: Coward-McCann.
- Morison, Samuel Eliot, and Commanger, Henry Steele.* The growth of the American republic. Pp. 963. N. Y.: Oxford Univ. Press.
- Munro, W. B.* American government today. N. Y.: Macmillan.
- Robinson, William Alexander.* Thomas B. Reed, parliamentarian. Pp. 435. N. Y.: Dodd, Mead.
- Stokdyk, E. A., and West, Charles H.* The farm board. Pp. 197. N. Y.: Macmillan.
- Strong, Benjamin.* Interpretations of federal reserve policy. N. Y.: Harper's.
- Walling, William.* Le mouvement ouvrier et la démocratie aux États-Unis. Pp. 344. Paris: Rivière.
- Winston, Sanford R.* Illiteracy in the United States and its social significance. Chapel Hill (N. C.): Univ. of N. C. Press.
- Wisner, Elizabeth.* Public welfare administration in Louisiana. (Social Service Monographs.) Chicago: Univ. of Chicago Press.

Articles

- Agriculture.** Why farm relief has failed. *C. S. Potts.* Southwest Rev. Summer, 1930.
- . Reflections on farming. *Fred C. Kelly.* Am. Mercury. Oct., 1930.
- Aviation.** The right of congress to regulate the navigation of the air. *W. Gurski.* Detroit Law Rev. Sept.-Oct., 1930.
- . Aërial navigation. *R. W. A. Mich.* Law Rev. Nov., 1930.
- . State adoption and enforcement of federal air navigation law. *F. P. Lee.* Am. Bar Assoc. Jour. Nov., 1930.
- Billboard Regulation.** Pennsylvania clears her highways. *J. Horace McFarland.* Nat. Mun. Rev. Nov., 1930.
- Blue Laws.** Remember the sabbath day to keep it lawful in Georgia. *R. B. Troutman.* Ga. Lawyer. Oct., 1930.
- Censorship.** The legal aspect of motion picture censorship. Harvard Law Rev. Nov., 1930.
- . Recent developments in censorship. *S. S. Grant and S. E. Angoff.* Boston Univ. Law Rev. Nov., 1930.
- Children's Bureau.** Mr. Hoover and the children. *Editor.* New Repub. Dec. 3, 1930.
- Citizenship.** Citizenship rights of married American women. *John L. Cable.* What constitutes an American citizen. *Raymond Fowler Crist.* Cong. Digest. Nov., 1930.
- . The United States citizen's privilege—state residence. *H. M. Bowman.* Boston Univ. Law Rev. Nov., 1930.
- . Citizenship of the United States and its implications. *C. A. Boston.* Tex. Law Rev. Oct., 1930.
- . Alien vs. free born. *P. V. Collins.* N. Am. Rev. Dec., 1930.
- Communism.** The redmongers go west. *Conrad Seiler.* New Repub. Nov. 12, 1930.
- . The red ballyhoo. *Will Irwin.* Sat. Eve. Post. Nov. 22, 1930.
- . What is this communism? *Lillian Symes.* Harper's. Dec., 1930.

Compulsory Insurance. Compulsory motor accident insurance exclusively with the state. *M. C. S. Pa. Law Rev.* Nov., 1930.

Congress. Election of congress—1930. *Cong. Digest.* Oct., 1930.

———. Second session of the seventy-first congress and special session of the senate. *Arthur W. Macmahon. Am. Pol. Sci. Rev.* Nov., 1930.

———. Tiger from Texas: a portrait of "Speaker" Jack Garner. *R. T. Tucker. Outlook.* Nov. 26, 1930.

———. Congress in confusion. *Mauritz A. Hallgren. Nation.* Dec. 3, 1930.

Constitution. The ratification of the constitution. *G. G. Battle. U. S. Law Rev.* Nov., 1930.

———. A new Madison manuscript relating to the federal convention, 1787. *Charles Roy Keller and George Wilson Pierson. Am. Hist. Rev.* Oct., 1930.

Constitutional Law. The constitutionality of a statute setting up a basic minimum of quality for lubricating oils. *Yale Law Jour.* Nov., 1930.

Coolidge. Calvin Coolidge: his place in history. *Preston W. Slosson. Current Hist.* Oct., 1930.

Corporation Legislation. Economic influences upon the corporation laws of New Jersey. *H. W. Stoke. Jour. Pol. Econ.* Oct., 1930.

Debt Repudiation. Mississippi pledges her faith. *R. F. O'Toole. Am. Mercury.* Dec., 1930.

Drivers' Licenses. Motor vehicle bureaucracy. *P. Solomon. Law Soc. Jour.* Aug., 1930.

Due Process. The meaning of "due process of law" prior to the adoption of the fourteenth amendment. *L. J. Howe. Calif. Law Rev.* Sept., 1930.

———. Due process of law. *R. E. Lane. Lawyer and Banker.* Sept.-Oct., 1930.

Education. Superintending public education. *Wm. John Cooper. State Gov't. Dec., 1930.*

Federal Officials. Big business raids Washington. *J. Frederick Essary. Am. Mercury.* Oct., 1930.

Federal Reserve System. Developments in the federal reserve system. *Oskar Morganstern. Harvard Bus. Rev.* Oct., 1930.

Government Ownership. When Uncle Sam becomes a competitor to private business. *W. A. Du Puys. Pub. Utilities Fort.* Sept. 4, 1930.

———. The state and its subdivisions as members of business corporations. *Pierre Jolly. Harvard Bus. Rev.* Oct., 1930.

Harding. Harding: a revised estimate. *Preston W. Slosson. Current Hist.* Nov., 1930.

Hoover. Hoover and his first congress. *Round Table.* Sept., 1930.

———. Hoover the medicine man. *Elmer Davis. The real Hoover. Ashmun Brown. Forum.* Oct., Nov., 1930.

Immigration. New features of Mexican immigration. *J. H. Batten. Pacific Affairs.* Oct., 1930.

———. Peons need not apply. *C. M. Goethe. World's Work.* Nov., 1930.

Impeachment. Impeachments and politics. *R. S. Rankin. S. Atlantic Quar.* Oct., 1930.

Injunction. Grave questions are raised by the pending anti-injunction bill. *T. J. Norton. Am. Bar Assoc. Jour.* Dec., 1930.

Judiciary. Corruption on the bench. *Albert Bushnell Hart*. *Current Hist.* Nov., 1930.

———. Gangs, bosses, and judges. *Howard McLellan*. *Rev. of Revs.* Oct., 1930.

———. The new feudal system. *Roscoe Pound*. *Ky. Law Jour.* Nov., 1930.

Judicial Councils. Review of the judicial council movement. *J. W. McClen-don*. Results of the work of judicial councils. *J. C. Ruppenthal*. *Jour. Am. Judicature Soc.* Oct., 1930.

Labor. Functions of administration in labor legislation. *T. I. Parkinson*. Labor law enforcement. *Alfred E. Smith*. Factory inspection in Rhode Island—an intensive study in labor law administration. Expenditures for labor law administration. *Elizabeth S. Johnson*. *Am. Labor Legis. Rev.* June, 1930.

———. Federal protection of collective bargaining under the railway labor act of 1926. *Yale Law Jour.* Nov., 1926.

———. Constitutionality of bill making unenforceable contracts not to join labor unions and employers' associations. *E. F. Albertsworth*. *Ill. Law Rev.* Nov., 1930.

———. Judge Parker and the Sherman Act. *Edward Berman*. *Am. Federationist*. Nov., 1930.

———. Power of congress to regulate disputes on interstate railways. *E. F. Albertsworth*. *Ill. Law Rev.* Nov., 1930.

Literacy Test. Literacy and the electorate. *Arthur W. Bromage*. *Am. Pol. Sci. Rev.* Nov., 1930.

Negro Problem. The North Carolina black code. *J. B. Browning*. *Jour. Negro Hist.* Oct., 1930.

Philippines. Hoover and Manila. *A Far Eastern Editor*. *Liv. Age*. Oct., 1930.

Politics. Clemenceau: chronicler of American politics. *H. J. Pearce, Jr.* *S. Atlan. Quar.* Oct., 1930.

———. Will the election help or hinder? *Theodore G. Joslin*. *World's Work*. Nov., 1930.

———. New Jersey wakes up. *James Kerney*. *N. Am. Rev.* Nov., 1930.

———. Dwight Morrow in New Jersey. *Edmund Wilson*. Roraback of Connecticut. *Bulkley S. Griffin*. *New Repub.* Oct. 1, Nov. 26, 1930.

———. The ruling dynasty of Wisconsin. *Louis H. Cook*. *Sat. Eve. Post*. Dec. 6, 1930.

———. Opportunity rouses the democrats. *Emily Newell Blair*. *Rev. of Revs.* Dec., 1930.

Porto Rico. Porto Rico and its future. *Emilio V. Acosta*. *Quar. Jour. Univ. N. D.* Summer, 1930.

President. Lincoln's task and Wilson's. *J. G. Randall*. *S. Atlan. Quar.* Oct., 1930.

———. The presidential short ballot. *Leon E. Aylsworth*. *Am. Pol. Sci. Rev.* Nov., 1930.

———. The president's power to exclude articles when the importer has practiced unfair competition. *Yale Law Jour.* Nov., 1930.

———. The secretary to the president. *Everett Sanders*. *Sat. Eve. Post*. Dec. 6, 20, 1930.

Prison Labor. Is prison labor on highway work economical? *Am. City.* Oct., 1930.

Prohibition. Das Prohibitionschaos in Amerika. *Ernst Untermann.* Sozialistische Monatshefte. Aug., 1930.

———. Economics and prohibition don't mix. *John Carter.* Scribner's. Nov., 1930.

———. The battle of propaganda. *Charles Merz.* Outlook. Nov., 1930.

———. Fanning the home fires. *Philip Hudson.* Am. Mercury. Oct., 1930.

———. The eighteenth amendment. *C. H. Kuenzli.* New Church Rev. Oct., 1930.

———. Prohibition in the perspective of history. *Stanley High.* Blunders that outlawed the liquor traffic. *Francis M. Cockrell.* Current History. Oct., Nov., 1930.

———. The wet movement today. *H. C. Pell.* N. Am. Rev. Dec., 1930.

Public Utilities. Three defects in the present system of regulation. *H. M. Gray.* A commissioner looks at regulation. *J. F. Hull.* New solutions to new problems in regulating the gas utilities. *Ellsworth Nichols.* A blind spot in regulation. *A. T. George.* The rôle of public utilities in the coming elections. *Harold Brayman.* Four popular misconceptions of regulation. *H. H. Corey.* Pub. Utilities Fort. Aug. 21, Oct. 16, 30, Nov. 13, 1930.

———. Trends in public utility regulation. *John Bauer.* Utility regulation and centralized management. *E. W. Morehouse.* Some aspects of the franchise problem. *Ambrose Fuller.* Minn. Municipalities. Oct., Nov., 1930.

———. Has government regulation of utilities proven a failure? *H. E. Willis.* Ind. Law Jour. Nov., 1930.

———. Taking stock of regulation in the state of New York. *M. L. Cooke.* Yale Law Jour. Nov., 1930.

———. Regulating utilities. *William E. Mosher.* State Gov't. Dec., 1930.

———. Standards for modern public utility franchises. *John Baquer.* Munic. Admin. Service. No. 17.

———. Electrical Utilities. Why the Couzens bill will not undermine the state commissions. *James Couzens.* The menace of the Couzens bill. *H. E. West.* Pub. Utilities Fort. Aug. 7, 21, Nov. 13, 1930.

———. The power trust fights on. *Judson King.* New Repub. Dec. 10, 1930.

———. Judicial Review. When the utilities enter the federal courts. The campaign to bar the utilities from the federal courts. *H. C. Spurr.* Pub. Utilities Fort. Oct. 2, 16, 1930.

———. Rate litigation—fact determination by judicial guess-work. *Yale Law Jour.* Nov., 1930.

———. Public Relations. Presenting the case of the utilities to the public. *J. H. Collins.* The real user of a charter of a utility. *H. C. Spurr.* The propagandist in the public school. *C. R. Miller.* The utility corporation sits up and shakes hands. *Herbert Corey.* The commercial value of art to the public utility. *E. E. Calkins.* The utility corporation that is "misunderstood." *E. L. Bernays.* Pub. Utilities Fort. Aug. 7, Oct. 2, 16, 30, Nov. 27, 1930.

———. Rate Regulation. Rate reduction—as a measure of commission efficiency. *M. K. Cameron.* Depreciation—what it is and how it is computed.

Louis Benedict. Who will pay the utility employee's pension? *Herbert Corey.* Why service-at-cost agreements do not stifle competition. *Waller Jackson.* Why not regulate investment instead of return? *B. W. Knight.* When rate-payers repudiate prudent investment. *H. C. Spurr.* The disputed service charge. *C. L. Seavey.* Is a fixed rate base constitutional? *W. M. Wherry.* A unique experiment in rate regulation. *A. H. Ulm.* What is unconstitutional about a fixed rate base? *John Bauer.* *Pub. Utilities Fort.* Sept. 4, 18, Oct. 2, 30, Nov. 13, 27, 1930.

———. Rates and John Smith. *F. W. Sargent.* *World's Work.* Dec., 1930.

Radio. Is a broadcasting station a public utility? *R. D. Heinl.* *Pub. Utilities Fort.* Sept. 18, 1930.

———. Principles governing the licensing of broadcasting stations. *L. G. Caldwell.* *Pa. Law Rev.* Dec., 1930.

Registration. The progress of permanent registration of voters. *Joseph P. Harris.* *Am. Pol. Sci. Rev.* Nov., 1930.

———. Permanent registration. *F. A. Hass.* *Am. Municipalities.* Nov., 1930.

Search and Seizure. Search without warrant as incident to lawful arrest. *J. D. Lear.* *Calif. Law Rev.* Sept., 1930.

Self-Incrimination. The supreme court's construction of the self-incrimination clause. *E. S. Corwin.* *Mich. Law Rev.* Nov., Dec., 1930.

Short Ballot. Relation of the short ballot to efficient government and popular control. *George W. Spicer.* *Southwestern Pol. and Soc. Sci. Quar.* Sept., 1930.

State Constitutions. The New Hampshire constitutional convention of 1930. *James P. Richardson.* *Am. Pol. Sci. Rev.* Nov., Dec., 1930.

Supreme Court. The business of the supreme court at October term, 1929. *Felix Frankfurter* and *James M. Landis.* *Harvard Law Rev.* Nov., 1930.

Tammany Hall. Why Tammany survives. *Editor.* *New Repub.* Oct. 1, 1930.

———. Tammany hall: its structure and its rule. *James A. Hagerty.* *N. Y. Times.* Oct. 5, 1930 (Sec. 10).

Tariff. Mr. Fletcher tackles the tariff. *William H. Crawford.* *Rev. of Revs.* Oct., 1930.

———. Tariff strategy and propaganda in the United States, 1887-1888. *A. T. Volwiler.* *Am. Hist. Rev.* Oct., 1930.

———. The tariff act of 1930. *F. W. Taussig.* The rise and decline of orthodox tariff propaganda. *W. J. Eitman.* *Quar. Jour. Econ.* Nov., 1930.

Taxation. The power of the state to tax intangibles or their transfer. *J. C. Peppin.* *Calif. Law Rev.* Sept., 1930.

———. Taxation in Georgia and a solution. *R. C. Ellis.* *Ga. Lawyer.* Sept., 1930.

———. Jurisdiction to tax intangibles. *J. S. T.* *Mich. Law Rev.* Nov., 1930.

———. A battle over taxes in Illinois. *H. D. Simpson.* *Rev. of Revs.* Nov., 1930.

———. The strategy of tax reform. *Herbert D. Simpson.* *Nat. Mun. Rev.* Nov., 1930.

———. The Indiana tax survey committee, its purpose and program. *J. C. Hoffman.* *Ind. Law Jour.* Nov., 1930.

———. Suggested changes in tax laws. *C. F. Clark*. Discrimination in taxation. *Parker L. Crouch*. *Am. Municipalities*. Dec., 1930.

———. Double inheritance taxation of intangibles. *Yale Law Jour.* Nov., 1930.

———. A new source of state revenue. *Richard Woods Edmonds*. *Current Hist.* Nov., 1930.

Unemployment. Unemployment insurance in America. *Editor*. No money, no work. *Bruce Bliven*. *New Repub.* Oct. 8, Nov. 19, 1930.

———. Machinery and unemployment. *Paul Howard Douglas*. The five-day week. *Frank T. de Vyver*. *Current History*. Oct., Nov., 1930.

———. Our doctor of unemployment. *William Hard*. *Rev. of Revs.* Dec., 1930.

———. Unemployment insurance. *Henry Raymond Mussey*. *Nation*. Dec. 17, 1930.

Wilson. The "assassin" of Wilson. *Louis Adamoc*. *Am. Mercury*. Oct., 1930.

Woman's Suffrage. A decade of women's suffrage. *C. Mildred Thompson*. *Current Hist.* Oct., 1930.

Workmen's Compensation. Status of unemployed minors under the workmen's compensation laws. *M. Keefer*. *Am. Federationist*. Oct., 1930.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Abend, Hallett. Tortured China. Pp. 305. N. Y.: Ives Washburn.

Amery, L. S. Empire and prosperity. London: Faber & Faber.

Andrews, Charles Freer. India and the Simon report. Pp. 191. N. Y.: Macmillan.

Aston, G. Secret service. London: Faber & Faber.

Balfour, Arthur James. Retrospect: an unfinished autobiography. Boston: Houghton Mifflin.

Bauermeister, M. Die russische kommunistische Theorie und ihre Auswirkung in den Planwirtschaftsversuchen der Sowjetunion. Jena: Fischer.

Belitch, Radmilo. La propriété foncière en Yougoslavie. Pp. 292. Paris: Edit. et Publications Contemporaines.

Brock, R. W., ed. The Simon report on India: an abridgement. Pp. 152. London: Dent.

Brockway, A. F. The Indian crisis. Pp. 208. London: Gollancz.

Burns, E. Russia's productive system. Pp. 288. London: Gollancz.

Chalmers, D., and *Asquith, C.* Outlines of constitutional law. (8th ed.). Pp. 516. London: Sweet & Maxwell.

Chaninov, N. B. A history of Russia. Pp. 225. London: Dent.

Chatterton, E. K. England's greatest statesman: William Pitt. Indianapolis: Bobbs-Merrill.

Chessin, S. de. Darkness from the east. Pp. 256. London: Harrap.

Churchill, Winston S. My early life. Pp. 392. London: Thornton Butterworth.

Common, J. Le budget et le fisc algérien. Pp. 252. Paris: Pedone.

- Crew, A., Blackham, R. J., and Forman, A.* The unemployment insurance acts, 1920-1930. Pp. 220. London: Jordan & Sons.
- Crozier, F. P.* Impressions and recollections. Pp. 330. London: T. Werner Laurie.
- Delaporte, J.* Le budget départemental. Pp. 121. Paris: Recueil Sirey.
- Drake, H. B.* Korea of the Japanese. London: John Lane.
- Durand, Charles.* Les états fédéraux. Étude de droit constitutionnel positif. Pp. 361. Paris: Recueil Sirey.
- Durant, Will.* The case for India. Pp. 228. N. Y.: Simon & Schuster.
- Eichhorn, Louis.* Die Handelsbeziehungen Deutschlands zu Sowjetrussland. Rostock: Carl Hinstorff.
- Fahmy, Ahmed.* Vers l'unité de juridiction en Égypte. Pp. 228. Paris: Edit. Mecheleinck.
- Feiler, A.* The experiment of bolshevism. (Trans. by H. J. Stenning.) Pp. 256. London: Allen & Unwin.
- Flink, Solomon.* The German Reichsbank and economic Germany. N. Y.: Harper's.
- Font-Reaulx, P. de.* Les pouvoirs devant le conseil d'état contre les décisions des autres tribunaux administratifs. Pp. 408. Paris: Recueil Sirey.
- Freemantle, A. F.* England in the nineteenth century. Vol. II. Pp. 510. London: Allen & Unwin.
- Garratt, G. T.* An Indian commentary. (Rev. ed.). Pp. 336. London: Cape.
- Glaise, Horstenau, E. von.* The collapse of the Austro-Hungarian empire. Pp. 347. London: Dent.
- Golodetz, Arnold.* Free trade or protection. Pp. 119. London: Williams & Norgate.
- Gouet, Y.* De l'unité du cabinet parlementaire. Pp. 392. Paris: Dalloz.
- Grinko, G. T.* The five-year plan of the soviet union. Pp. 339. N. Y.: Int. Pubs.
- Grosbuis, A.* La dette publique allemande depuis 1914 et la crise monétaire. Pp. 239. Paris: Dalloz.
- Haensel, Paul.* The economic policy of soviet Russia. Pp. 190. London: P. S. King.
- Haksar, K. N., and Panikar, K. M.* Federal India. Pp. x+211. London: Hopkinson.
- Hancock, W. K.* Australia. Pp. 326. London: Ernest Benn.
- Hans, N., and Hessen, S.* Educational policy in soviet Russia. Pp. 236. London: P. S. King.
- Hargreaves, E. L.* The national debt. Pp. 303. London: Arnold.
- Hobson, J. A.* Rationalisation and unemployment. N. Y.: Macmillan.
- Jerusalem, Franz W.* Die Staatsgerichtsarbeit. Berlin: J. C. B. Mohr.
- Kautsky, Karl.* Der Bolschewismus in der Sackgasse. Berlin: Dietz.
- Keith, A. B.* A constitutional history of the first British empire. Pp. 441. London: Oxford Press.
- Keun, O.* A foreigner looks at the British Sudan. London: Faber & Faber.
- Kircher, R.* How they do it in England. (Trans. by Frances, Countess of Warwick.) Pp. 254. London: F. Mathews & Co.

Kuczynski, Robert R. Birth registration and birth statistics in Canada. Washington: Brookings Inst.

Kumarappa, Joseph Cornelius. Public finance and our poverty. Pp. xii+111. Ahmedabad: Navajivan Press.

Lainville, R. Qu'est-ce que le budget communal? Paris: Recueil Sirey.

Liepmann, Moritz. Krieg und Kriminalität in Deutschland. London: Oxford Press.

McDonald, T. P., and Davie, G. Handbook of widows', orphans', and old age contributory pensions. Pp. 104. London: Hodge.

McKechnie, S. The romance of the civil service. Pp. 242. London: Sampson Low.

MacPherson, J. M. British enactments in force in Indian states. 2 vols. Pp. xxii+331; 615. Calcutta: Government of India Central Publication Branch.

Marion, Paul. Deux Russies. Paris: Nouvelle Société d'Éditions.

Marriott, J. The crisis of English liberty. Pp. 472. London: Oxford Press.

Massoncaud, Adrien. Les actions à vote privilégié en France et à l'étranger. Pp. 230. Paris: Rousseau.

Metzler, W. Von. Die auswärtige Gewalt der Sowjetunion. Berlin: Rothschild.

Meyendorff, A. The background of the Russian revolution. Pp. 193. London: G. Bell & Sons.

Missoffe, Michel. La vie volontaire d'André Tardieu (1876-1929). Pp. 252. Paris: E. Flammarion.

Mukerji, Dhan Gopal. Disillusioned India. N. Y.: Dutton.

Nogardo, J. Les traités d'établissement et le droit des étrangers en France. Pp. 223. Paris: Recueil Sirey.

Pal, Nakini Mohan. Some social and economic aspects of the land systems of Bengal. Calcutta: The Book Co.

Panikkar, K. M. The evolution of British policy towards Indian states, 1774-1858. Pp. xii+117. Calcutta: S. K. Lahiri.

Peffer, Nathaniel. China: the collapse of a civilization. N. Y.: John Day Co.

Pillet, M. Le relèvement financier de l'Autriche. Pp. 272. Paris: Pedone.

Pomfret, John E. The struggle for land in Ireland, 1800-1923. Pp. xii+334. Princeton: Princeton Univ. Press.

Pym, Michael. The power of India. N. Y.: Putnam's.

Ranadive, B. T. Population problem of India. Pp. xviii+216. London: Longmans.

Ray, J. E. The future of empire free trade. Pp. 128. London: Pitman.

Robinson, H. The development of the British empire. (New ed.) London: Constable.

Rolland, L., and Lampué, P. Législation et finances coloniales. Pp. 784. Paris: Recueil Sirey.

Rolland, Romain. Prophets of the new India. Pp. 683. N. Y.: Boni.

Rollin, Henry. La révolution russe. Ses origines, ses résultats. Paris: Delagrave.

Sayed Sabry, El. Le pouvoir législatif et le pouvoir exécutif en Egypte. Pp. 422. Paris: Edit. Mechelinck.

Sedgwick, H. D. France. Pp. 382. London: Harrap.

- Sen, D. K.* The Indian states; their status, rights, and obligations. Pp. 246. London: Sweet & Maxwell.
- Shoup, Carl Sumner.* The sales tax in France. Pp. xv+369. N. Y.: Columbia Univ. Press.
- Siegfried, André.* Tableau des partis en France. Paris: B. Grasset.
- Simon, Sir John.* Comments and criticisms. Pp. 319. London: Hodder & Stoughton.
- Simon, Sir John.* India and the Simon report. N. Y.: Coward-McCann.
- Sinderby, Donald.* Mother-in-law India. Pp. 319. London: Marriott.
- Slater, Gilbert.* Poverty and the state; a study of English conditions. Pp. 487. N. Y.: Richard R. Smith.
- Smith, D. H.* Economics of empire trade. Pp. 160. London: Routledge.
- Sol et Haranger.* Recueil général et méthodique de la législation et de la réglementation des colonies françaises. Pp. 523. Paris: Soc. d'Edit. Géographiques, Maritimes et Coloniales.
- Sollau, R. H.* French parties and politics, 1871-1921. With a new supplementary chapter dealing with 1922-1930. London: Oxford Press.
- Somervell, D. C.* The British empire. Pp. 345. London: Christophers.
- Steed, Wickham.* The real Stanley Baldwin. Pp. 191. London: Nisbet.
- Stockhammern, Franz von.* Bernhard von Bülow: Denkwürdigkeiten. Berlin: Ullstein Verlag.
- Stresemann, G.* Essays and speeches on various subjects. Pp. 306. London: Butterworth.
- Strong, Margaret Kirkpatrick.* Public welfare administration in Canada. Pp. 247. Chicago: Univ. of Chicago Press.
- Symposium.* All about the separation of Burma. Pp. 100. Rangoon: Major & Co.
- Thomas, J. L.* The restoration of Israel. London: Covenant Press.
- Tilby, A. Wyatt.* Lord John Russell. Pp. xv+287. London: Cassell.
- Treich, Léon.* Histoires politiques. Paris: Libr. Gallimard.
- Vassilyev, A. T.* The ochrana. Pp. 305. Philadelphia: Lippincott.
- Walling, R. A. J., ed.* The diaries of John Bright. London: Cassell.
- Waugh, T.* Turkey—yesterday, today, and tomorrow. Pp. 305. London: Chapman & Hall.
- Wells, E.* Postal reform. London: C. W. Daniel.
- West, Gordon.* Lloyd George's last fight. Pp. 188. London: Alston Rivers.
- Williams, Mary W.* The people and politics of Latin America. Boston: Ginn.
- Younghusband, Sir Francis.* Dawn in India. Pp. 331. London: Murray.

Articles

- Abyssinia.** Abyssinia and the royal visit. *P. C. Standing.* Contemp. Rev. Nov., 1930.
- . Ras Tafari—Negusa Nagast of Abyssinia. *Niger Nilus.* English Rev. Nov., 1930.
- Africa.** Racial chess. *J. S. Huxley.* Cornhill Mag. Nov., 1930.
- . Les grandes concessions au Congo français. *XXX. Rev. Bleue.* Nov. 1, 1930.

Arabia. Arabie centrale: la lutte entre le Nedj et le Hedjaz. *L. Krojewski.* Rev. Pol. et Parl. Sept., 1930.

Argentina. La révolution argentine. *Max Dair-aux.* Rev. Pol. et Parl. Oct., 1930.

———. Renovation politique en Argentine. *René Richard.* Correspondant. Nov. 10, 1930.

Australia. Australian chronicle. *Pacific Affairs* Sept., 1930.

———. Australia. Round Table. Sept., 1930.

———. Constitutional relations in Australia: commonwealth and states. *W. A. Holman.* Law Quar. Rev. Oct., 1930.

Austria. The Austrian act to guarantee liberty to work and freedom of assembly. *Hermann Heindl.* Int. Labour Rev. Sept., 1930.

Belgium. Le sénat belge. *Paul Bastid.* Rev. Pol. et Parl. Oct., 1930.

———. The foundation of the kingdom of Belgium. *P. Geyl.* Contemp. Rev. Nov., 1930.

British Empire. The task of the imperial conference. Round Table. Sept., 1930.

———. Auf dem Weg zum britischen Imperium. *Balthasar Weingartz.* Sozialistische Monatshefte. Sept., 1930.

———. Liberté du commerce et empire britannique. *L. S. Amery.* Le chômage et l'empire britannique. *Sir Robert Horn.* Rev. Mondiale. Sept. 15, Nov. 1, 1930.

———. The British commonwealth of nations. *C. J. Burchell.* Canada's position in the British commonwealth of nations. *N. W. Rowell.* Canadian Bar Rev. Sept., Oct., 1930.

———. Der Gestaltwandel des britischen Empire. *Karl Haushofer.* Deutsche Rundschau. Oct., 1930.

———. Britain's undominated dominions. *Roger Shaw.* Rev. of Revs. Oct., 1930.

———. The crown and the empire. *Sir John Marriott.* Fort. Rev. Oct., 1930.

———. Founding a British empire bank. *L. J. Reid.* Bankers' Mag. Oct., 1930.

———. The British imperial conference. *John A. Hobson.* Nation. Oct. '1930.

———. The imperial conference. *H. N. Brailsford.* New Repub. Oct. 8, 1930.

———. The imperial conference. *L. S. Amery.* The crucial conference. *Sir Benjamin Morgan.* An empire currency—or a British? *J. W. Scott.* English Rev. Oct., Nov., 1930.

———. The sovereignty of the British dominions: law overtakes practice. *W. Y. Elliott.* Am. Pol. Sci. Rev. Nov., 1930.

———. What the imperial conference faced. *W. Y. Elliott.* Outlook. Dec. 3, 1930.

Bulgaria. Le travail obligatoire en Bulgarie. *Félicia Pavlova.* Rev. Mondiale. Nov. 15, 1930.

Canada. Canadian affairs affecting the Pacific. *H. F. Angus.* Pacific Affairs. Aug., 1930.

- . Canada: the general election. Round Table. Sept., 1930.
- . The Canadian prime minister. *H. Somerville*. Fort. Rev. Oct., 1930.
- . Conference on uniform legislation in Canada. *Sidney Smith*. The judicial interpretation of the Canadian constitution. *W. P. M. Kennedy*. Legislative jurisdiction over flying. *O. M. Biggar*. Canadian Bar Rev. Oct., Nov., 1930.
- . The Canadian elections of 1930. *Frederic H. Soward*. Am. Pol. Sci. Rev. Nov., 1930.
- China. China in 1930. Round Table. Sept., 1930.
- . La situation politique en Chine. *Tsen Tson Ming*. L'Esprit Int. Oct., 1930.
- . Republican China's achievements. *C. Kuangson Young*. Current Hist. Nov., 1930.
- . Alarums and excursions. *Stella Benson*. Fort Rev. Nov., 1930.
- Colombia. Colombia's new régime. *J. Fred Rippy*. Current Hist. Oct., 1930.
- Cuba. La crisis de Cuba. *H. R. Hulse*. Revista Bimestre Cubana. July-Oct., 1930.
- Denmark. Konge og Ministerium. *Eduard Brandes*. Tilskueren. Oct., 1930.
- Dictatorship. Germany and Italy: a contrast in government. *Frederic A. Ogg*. Pilsudski, the strong man of Poland. *Robert Machray*. Current Hist. Nov., 1930.
- Dutch East Indies. The Chinese in the Dutch East Indies. *Amry Vandenbosch*. Pacific Affairs. Nov., 1930.
- Fiji. Fiji, its position and problems. *Sir Maynard Hedstrom*. Pacific Affairs. Oct., 1930.
- Finland. The political importance of Finland. *W. P. M. Russell*. Contemp. Rev. Oct., 1930.
- . Le peuple de Finlande contre le communisme. *Henri de Montfort*. Mercure de France. Nov. 1, 1930.
- France. La valorizzazione economica dell'impero coloniale francese. *Corrado Masi*. Politica. Feb.-Apr., 1930.
- . La situation générale de la marine marchande française. *Paul de Rousiers*. Rev. Sci. Pol. July-Sept., 1930.
- . Les zones franches de la Haute-Savoie. *Henri Trémaud*. Rev. Gén. Droit Int. Pub. July-Oct., 1930.
- . La représentation proportionnelle dans le cadre du scrutin d'arrondissement. *Émile Giraud*. Rev. Pol. et Parl. Sept., 1930.
- . L'échiquier politique et parlementaire. *Pierre de Pressoc*. Une vie d'André Tardieu. *P. de Caraman*. Correspondant. Sept. 10, Nov., 10, 1930.
- . La politique coloniale de la France. XXX. Rev. Bleue. Sept. 20, 1930.
- . Le régime douanier du blé. *Edouard Néron*. Les succursales des banques françaises à l'étranger et la taxe sur le revenu. *Gustave George*. Rev. Pol. et Parl. Sept., Nov., 1930.
- . La politique intérieure de la France. *André Siegfried*. En attendant une constitution. *Alexandre Millerand*. Ministère de l'air et sécurité aérienne. *Carl le Coq de Kerland*. Rev. Paris. Oct. 1, 15, 1930.

———. *Théorie générale des contrats de l'administration.* Gaston Jèze. Rev. Droit Pub. et Sci. Pol. July-Sept., 1930.

Germany. The German cabinet in theory and in practice. Bertram W. Maxwell. Southwestern Pol. and Soc. Sci. Quar. Sept., 1930.

———. Was sollen wir also tun? Julius Kaliski. Der Run zum Nationalsozialismus. Walther Pahl. Deutschlands Rhodus. Richard Kleineibst. Erinnerungen und Lehren nach der Wahlschlacht 1930. Paul Kampffmeyer. Zur Auflösung und Neuwahl des Reichstags. Ludwig Quesel. Was wird mit dem Reichswirtschaftsrat. Max Cohen. Agrarpolitische Studienreise durch den deutschen Osten. Hans Wilbrandt. Durch den Volkstaat zum Staatsvolk; Eine Wahlbetrachtung. Paul Kampffmeyer. Sozialistische Monatshefte. Aug., Sept., 1930.

———. De tysche politiske Partier und der Republiken. L. Bolt-Jørgensen. Tilskueren. Sept., 1930.

———. Parteien. Erich Brock. Kunstwart. Sept., 1930.

———. La situation politique en Allemagne avant et après les élections. Maurice Aubry. La crise de la démocratie en Allemagne. Ruben Blank. Grande Rev. Sept., Oct., 1930.

———. La politique étrangère: crise en Allemagne. L. Dumont-Wilden. Rev. Bleue. Sept. 20, 1930.

———. Les élections et la politique allemandes. André Ganem. La protection légale de la maternité dans l'industrie allemande. Jean Marchal. Rev. Pol. et Parl. Sept., Oct., 1930.

———. The soul of Germany. Augur. Fort. Rev. Oct., 1930.

———. Gustav Stresemann. H. W. Keim. Deutsche Rundschau. Oct., 1930.

———. Dictatorship in Germany? Carl Joachim Friedrich. Foreign Affairs. Oct., 1930.

———. Monarchy a lost cause in Germany. Count Carlo Sforza. Current Hist. Oct., 1930.

———. The German crisis. Reinhold Niebuhr. Germany nears the crisis. Oswald G. Villard. Nation. Oct. 1, Dec. 3, 1930.

———. The landslide in the German electorate. A. Mendelsohn-Bartholdy. Hamburg-Amerika-Post. No. 9, 1930.

———. Après les élections allemandes. Jean de Pouydraguin. Correspondant. Oct. 10, 1930.

———. Au lendemain des élections allemandes. Wladimir d'Ormesson. Rev. Paris. Oct. 15, 1930.

———. Reaction in Germany. Three Foreign Journalists. Liv. Age. Nov., 1930.

———. The German Reichstag elections of 1930. James K. Pollock, Jr. Am. Pol. Sci. Rev. Nov., 1930.

———. Situationen i Tyskland. C. J. Sonning. Gads Danske Mag. Nov., 1930.

———. New Germany serves notice. Frank H. Simonds. Rev. of Revs. Nov., 1930.

Great Britain. State provision for the unemployed in Great Britain. G. G. McKenzie. Am. Federationist. Aug., 1930.

———. Great Britain: the parties and unemployment. England from without. Round Table. Sept., 1930.

———. Industrial relations and the state. *William A. Robson*. Pol. Quar. Sept.-Dec., 1930.

———. Sink or swim. *Ernest Remnant*. English Rev. Oct., 1930.

———. The political outlook. *Sir Herbert Samuel*. The government's agricultural policy. *Sir Frances Acland*. Contemp. Rev. Oct., 1930.

———. Insurance or the dole. *Cuthbert Headlam*. Quar. Rev. Oct., 1930.

———. Arthur James Balfour. *Mrs. Edgar Dugdale*. Blackwood's. Oct., 1930.

———. The Bromley by-election. *Stuart Hodgson*. A plea for private member's bill. *G. H. Bowker*. The labour government and its prospects. *Sir Ernest Bennett*. What is wrong with the British system of government. *Ramsay Muir*. Nine. Cent. Oct., Nov., 1930.

———. The child and the institute. *Muriel Kent*. Lord Thompson. *Capt. Liddell-Hart*. New life in home politics. *J. H. Harley*. Fort Rev. Oct., Nov., 1930.

———. The present system of catholic schools. *Sir John Gilbert*. Nine. Cent. Nov., 1930.

———. British labor falters. *Devere Allen*. Nation. Nov. 12, 1930.

———. England's secretary of state. *S. J. Woolf*. World's Work. Dec., 1930.

India. India: the reaction to the Simon report. The crisis in India. Round Table. Sept., 1930.

———. The Indian states problem. *V. S. Srinivasa Sastri*. The Simon report. X. Pol. Quar. Sept-Dec., 1930.

———. The Indian states and India. *Sir W. S. Holdsworth*. Law Quar. Rev. Oct., 1930.

———. Some aspects of the Indian problem. *Sir John Simon*. Am. Bar Assoc. Jour. Oct., 1930.

———. The report of the Indian statutory commission and its critics. *Edward Cadogan*. Quar. Rev. Oct., 1930.

———. Das indische Problem. *Asiaticus*. Preuss. Jahrbücher. Oct., 1930.

———. To Taler om Indien. *John Simon*. Tilskueren. Oct., 1930.

———. British policy in India. *Sir John Simon*. Current Hist. Oct., 1930.

———. Self-government for India. *The Marquess of Zetland*. Foreign Affairs. Oct., 1930.

———. Non-official Europeans and the Indian constitution. *Hugh Molson*. The round table conference. *J. E. Woolcott*. English Rev. Oct., Nov., 1930.

———. The Indian conference. *Lord Meston*. India and the world. *Sir Francis Younghusband*. Nine. Cent. Oct., Nov., 1930.

———. The Simon commission's report. *Sir Sankaran Nair*. The contact of colours and civilizations. *Ernest Barker*. Contemp. Rev. Oct., Nov., 1930.

———. Ways of India. Misrepresented in India. *Sir John Campbell*. Atlan. M. Oct., Nov., 1930.

———. What hope for India? *C. E. Andrews*. The change in India. *Editor*. India under the lathi. *H. N. Brailsford*. New Repub. Oct. 22, Nov. 19, Dec. 10, 1930.

———. The Indian problem. *Sir John Simon*. Canadian Bar Rev. Nov., 1930.

———. The crisis in India: its constitutional basis. *T. A. Bisson*. For. Pol. Assoc. Inf. Service. Nov. 26, 1930.

Indo-China. La connaissance des langues indigènes et notre politique en Indo-Chine. *J. Regnault*. Rev. Mondiale. Oct. 15, 1930.

———. Des réformes en Indochine. *G. Angoulvant*. Rev. Deux Mondes. Oct. 15, 1930.

Ireland. Ireland: events in the free state. Round Table. Sept., 1930.

———. Northern Ireland's first ten years. *Archibald W. M. Kerr*. Current Hist. Nov., 1930.

———. How fares Ireland? *James W. Good*. New Repub. Nov. 26, 1930.

———. Situation internationale d'état libre d'Irlande. *Louis Jacquemard*. Rev. Droit Int. No. 3, 1930.

Italy. Le recenti annessioni territoriali al regno d'Italia. Le nuove leggi sul matrimonio. *Giacinto Bosco*. Riv. Diritto Int. July-Sept., 1930.

———. Italy's solution of the labor problem. *Carlo Schanzer*. Current Hist. Oct., 1930.

———. Who opposes Mussolini? *Percy Winner*. New Repub. Oct. 1, 1930.

———. Benito Mussolini: a portrait. *Gamaliel Bradford*. Harper's. Nov., 1930.

———. Anno IX—Mussolini. *Charles H. Sherrill*. Rev. of Revs. Dec., 1930.

———. Fascism bankrupt. *Mauritz A. Hallgren*. Nation. Dec. 17, 1930.

Japan. Occidental legal ideas in Japan: their reception and influence. *K. Takayanagi*. Political conditions in Japan after the application of manhood suffrage. *Tai Sekiguchi*. The peasant worker in Japan. *K. Matsuoka*. Pacific Affairs. Aug., Oct., Dec., 1930.

———. Government subsidies in Japan. *Herbert M. Bratter*. Foreign Affairs. Oct., 1930.

Korea. Korea under Japanese rule. *Harold J. Noble*. Current Hist. Oct., 1930.

———. The end of an empire. *William Franklin Sands*. Forum. Nov., 1930.

Latin America. Aspectos económicos y políticos de la América latina. *Carleton Beals*. Revista Bimestre Cubana. July-Oct., 1930.

———. The central Americas. *Raymond Leslie Buell*. For. Pol. Assoc. Pamphlet No. 69, Series 1930-31 (Dec., 1930).

Mexico. A glimpse of Mexico's rural schools. *S. G. Inman*. Bull. Pan Am. Union. Oct., 1930.

———. Mexico emerging. *Samuel Crowther*. Sat. Eve. Post. Nov. 22, 1930.

Near East. "Front vert" à l'est de l'Europe. *Robert Fabre*. Rev. Pol. et Parl. Oct., 1930.

Netherlands. La Hollande, terre d'exil. *Paul Prist*. Rev. Mondiale. Oct. 1, 1930.

———. Les Pays-Bas et la double imposition. *J. B. J. Peeters*. La nouvelle réglementation du notariat hollandais. *Ph. B. Libourel*. Bull. l'Institut Intermed. Int. Oct., 1930.

New Zealand. New Zealand. Round Table. Sept., 1930.

———. New Zealand and the Pacific. *H. F. von Haast and G. H. Scholefeld.* Pacific Affairs. Nov., 1930.

Nicaragua. Reconstruction in Nicaragua. *Raymond Leslie Buell.* For. Pol. Assoc. Inf. Service. Nov. 12, 1930.

Persia. The renaissance of Persia. *Sir Percy Sykes.* Nine. Cent. Oct., 1930.

Protection. Tariffs in theory and practice. *W. A. Hirst.* English Rev. Nov., 1930.

———. Great Britain's interest in free trade. *Sir Hugh Bell.* Nine. Cent. Nov., 1930.

Russia. Some economic and social consequences of Russian communism. *Calvin Hoover.* Econ. Jour. Sept., 1930.

———. The French revolution and the Russian. *Emil Ludwig.* Nine. Cent. Oct., 1930.

———. L'histoire russe et le plan cinq ans. *Henry Rollin.* Rev. Pol. et Parl. Oct., 1930.

———. Sowjetrussland, 1930. Reisseindrücke. *Jorg Werdenfels.* Deutsche Rundschau. Oct., 1930.

———. The workingman in Russia. *Michael B. Scheler.* Current Hist. Oct., 1930.

———. Russia's two parties. *Victor Chernov.* Foreign Affairs. Oct., 1930.

———. Der Februaraufstand. *Leo Trotzki.* Neue Rundschau. Nov., 1930.

———. Russia's collective farms. *A Moscow Correspondent.* Liv. Age. Nov., 1930.

———. Our customers, the soviets. *P. A. Bogdanov.* World's Work. Dec., 1930.

———. Will the five year plan succeed? *George Soule.* New Repub. Dec. 3, 1930.

———. Foreign trade policy of the soviet government. *Vera Michelas Dean.* For. Pol. Assoc. Inf. Service. Dec. 10, 1930.

South Africa. South Africa. Round Table. Sept., 1930.

———. The South African reserve bank. *M. H. de Kock.* Bankers' Mag., Oct., 1930.

———. South Africa and the commonwealth. *H. E. S. Fremantle.* Contemp. Rev. Oct., 1930.

Spain. The imperative mandate in the Spanish cortex of the middle ages. *Alice M. Holden.* Am. Pol. Sci. Rev. Nov., 1930.

Syria. La costituzione siriana. *Selim Caitan.* Rassegna Italiana. Sept., 1930.

———. Demokratisierung in Syrien. *Hanns Reifzner.* Europäische Gespräche. Oct., 1930.

Turkey. L'évolution de la Turquie. *Roger Labonne.* Correspondant. Sept. 10, 1930.

———. The situation in Turkey. *J. W. Collins.* Contemp. Rev. Oct., 1930.

———. Turkish politics: persons and parties. *Julian Palmer.* Nine. Cent. Nov., 1930.

INTERNATIONAL RELATIONS

Books

- Alain*. Mars, or the truth about war. N. Y.: Cape & Smith.
- Anderson, Eugene N.* The first Moroccan crisis, 1904-1906. Pp. xi+420. Chicago: Univ. of Chicago Press.
- Anon.* Le séquestre de la propriété privée en temps de guerre. Pp. 158. Paris: M. Giard.
- Baty, T.* The canons of international law. Pp. 530. London: Murray.
- Bishop, Crawford Morrison.* International arbitral procedure. Pp. ix+259. Baltimore: King Bros.
- Blondel, A.* L'expulsion des étrangers. Paris: Recueil Sirey.
- Boeckel, Florence Brewer.* The turn toward peace. N. Y.: Friendship Press.
- Bonhoeffer, Klaus.* Die Meistbegünstigungsklausel im modernen Völkerrecht. Berlin: Springer.
- Bowley, A. L.* Some economic consequences of the great war. Pp. 252. London: T. Butterworth.
- Bowman, Isaiah.* International relations. Chicago: Am. Lib. Assoc.
- British yearbook of international law, 1930. London: Oxford Press.
- Browning, W. E., Ritchie, John, and Grubb, K. G.* Chile, Peru, and Bolivia. London: World Dominion Press.
- Buller, Nicholas Murray.* The path to peace; essays and addresses on peace and its making. Pp. 333. N. Y.: Scribner's.
- Chang, Chung-Fu.* Anglo-Japanese alliance. (John Hopkins Univ. Studies.) Baltimore: Johns Hopkins Press.
- Condliffe, J. B.* Problems of the Pacific, 1929. Pp. xv+697. Chicago: Univ. of Chicago Press.
- Creizenach, Theodor.* Deutsches Reich und deutscher Staat in den Anschauungen der Franzosen. Berlin: Hobbing.
- D'Abernon, Lord.* Diary: an ambassador of peace. Vol. III. The years of recovery, January, 1924, to October, 1926. Pp. 318. London: Hodder & Stoughton.
- Delos, J. T.* La société internationale et les principes du droit public. Pp. 341. Paris: Pedone.
- Delvaux, Gaston.* L'invasion de la Belgique devant la science allemande du droit des gens. Pp. x+152. Liège: Imp. Demarteau.
- Denikine, A.* The white army. Pp. 368. London: Cape.
- Driberg, J. H.* The east African problem. London: Williams & Norgate.
- Dugdale, E. T. S., ed.* German diplomatic documents, 1871-1914. Vol. 3. The growing antagonism, 1893-1910. Pp. 463. N. Y.: Harper's.
- Fausset, H. L'Anson.* The modern dilemma. London: Dent.
- Fay, Sidney Bradshaw.* The origins of the world war. (Rev. ed.) Pp. 1170. N. Y.: Macmillan.
- Feiling, Keith.* British foreign policy, 1660-1672. Pp. 317. London: Faber & Faber.
- Feinberg, Nathan.* La juridiction de la cour permanente de justice internationale dans le système des mandats. Pp. 238. Paris: Rousseau.

- Fletcher, J. C.* Europe's two frontiers. Pp. 377. London: Eyre & Spottiswoode.
- Gedye, G. E. R.* The revolver republic: France's bid for the Rhine. Pp. 256. London: Arrowsmith.
- Genet, R.* Traité de diplomatie et de droit diplomatique. Pp. 608. Paris: Pedone.
- Gibbs, Philip.* Since then: the disturbing story of the world at peace. N. Y.: Harper's.
- Graham, John W.* Britain and America. Pp. 134. London: Hogarth Press.
- Granovsky, A.* Land settlement in Palestine. (Trans. by M. Simon.) Pp. 224. London: Gollancz.
- Grentrup, Theodor.* Das Schulrecht der deutschen Minderheit in Italien. Berlin: Hobbing.
- Guerrero, J. G.* La codification du droit international: la première conférence. Pp. 232. Paris: Pedone.
- Guillain, Robert.* Les problèmes douaniers internationaux et la société des nations. Pp. 267. Paris: Recueil Sirey.
- Haller, Johannes.* Tausend Jahre deutsch-französischer Beziehungen. Berlin: Cotta.
- Herriot, Edouard.* The united states of Europe. (Trans. by Reginald J. Dingle.) Pp. 330. N. Y.: Viking Press.
- Holm, Sune.* Nationernas Förbund, i dess ställning till Folkkrätssystemet. Pp. 142. Stockholm: Uddevalla Tryckeri.
- Hooper, Charles A.* L'Iraq et la société des nations. Pp. 112. Paris: Pedone.
- Hosse, Carl.* Die englisch-belgischen Aufmarschpläne gegen Deutschland vor dem Weltkrieg. Wien: Amalthea-Verlag.
- Kao Lou.* Conception d'une fédération mondiale. Pp. 116. Paris: Recueil Sirey.
- Kenworthy, J. M.* New wars: new weapons. Pp. 160. London: E. Mathews & Marrot.
- Kisselbach, Wilhelm, Jr.* Problems of the German-American claims commission. Pp. 135. Washington: Carnegie Endowment for International Peace.
- Le Wita, H.* Conception réaliste sur la paix. Paris: J. Tallandier.
- McFaydean, Sir Andrew.* Reparation reviewed. London: Benn.
- Martel, René.* La France et la Pologne. Pp. 320. Paris: M. Rivière.
- Martel, R.* The eastern frontiers of Germany. Pp. 224. London: Williams & Norgate.
- Miliouch, B.* Le fondement du droit international. Pp. 144. Paris: Pedone.
- Miller, Francis, and Hill, Helen.* The giant of the western world. N. Y.: William Morrow & Co.
- Moore, Frederick.* America's naval challenge. Pp. 166. N. Y.: Macmillan.
- Mowat, R. B.* The concert of Europe. Pp. 368. London: Macmillan.
- Muir, R.* The political consequences of the great war. Pp. 252. London: Butterworth.
- Myers, Denys P.* Handbook of the league of nations since 1920. Pp. 320. Boston: World Peace Foundation.
- New, Heinrich.* Die revolutionäre Bewegung auf der deutschen flotte 1917 bis 1918. Stuttgart: Kohlhammer.

Packard, L. O., and Sinnot, C. P. Nations as neighbors. (Rev. ed.) London: Macmillan.

Patterson, Ernest Minor. The world's economic dilemma. Pp. 330. N. Y.: McGraw-Hill.

Pasvolsky, Leo. Bulgaria's economic position, with special reference to the reparation problem and the work of the league of nations. Pp. 409. Washington: Brookings Institution.

Philip. Economic aspects of reparations and interallied debts. London: T. Butterworth.

Phillimore, Lord M. C. Recollections of a prisoner of war. Pp. 310. London: Arnold.

Platz, Hermann. Deutschland und Frankreich. Versuch einer Geistesgeschichte. Frankfurt: Diesterweg.

Raafat, W. Problème de la sécurité internationale. Pp. 684. Paris: Pedone.

Radokovitch, M. M. La révision des traités et le pacte de la société des nations. Pp. 349. Paris: Pedone.

Reut-Nicolussi, E. Tyrol under the axe of Italian fascism. London: Allen & Unwin.

Roper, Albert. La convention internationale du 13 octobre 1929 portant réglementation de la navigation aérienne. Pp. 380. Paris: Recueil Sirey.

Ros, C. The world in the balance. Pp. 214. London: Routledge.

Rutherford, V. H. War or peace? England and America. London: Williams & Norgate.

Stephens, George W. The St. Lawrence waterway project: the story of the St. Lawrence river as an international highway for water-borne commerce. Pp. 460. Montreal: Louis Carrier & Co.

Thomas, Benjamin Platt. Russo-American relations, 1815-1867. (Johns Hopkins Univ. Studies.) Baltimore: Johns Hopkins Press.

Wolfers, Arnold. Amerikanische und deutsche Löhne. Berlin: Springer.

Woods, William Seaver. Colossal blunders of the war. N. Y.: Macmillan.

Wright, Quincy, ed. Interpretations of American foreign policy. (Harris Foundation Lectures.) Chicago: Univ. of Chicago Press.

Wurfain, André. L'échange gréco-bulgare des minorités ethniques. Pp. xiii+217. Lausanne: Payot.

Yovanovitch, Dragoljub. Les effets économiques et sociaux de la guerre en Serbie. Pp. 338. Paris: Les Presses Universitaires.

Articles

Africa. La colonisation nord-africaine: l'exemple de la Californie. *Vidi.* Rev. Pol. et Parl. Sept., 1930.

———. East Africa: politics and native questions. *Julian Huxley.* The challenge of Kenya. *J. H. Harris.* Contemp. Rev. Oct., Nov., 1930.

American Foreign Policy. American policy and the China-Japan treaties of 1915. *P. H. Clyde.* The United States and the orient. *T. A. Bisson.* Pacific Affairs. Sept., Dec., 1930.

———. The reward of America's participation in European politics. *James Hamilton Lewis.* Com. Law League Jour. Oct., 1930.

———. America as an international lender. *W. T. Hart*. Bankers' Mag. Nov., 1930.

Arbitration. L'article 28 de l'acte général d'arbitrage. *F. Muuls*. Rev. Droit Int. et Legis Comp. No. 3, 1930.

Aviation. Warsaw convention on international transportation by air. *Arthur K. Kuhn*. Am. Jour. Int. Law. Oct., 1930.

Balkans. La paix balkanique par la fédération balkanique. *Boris Petkow*. Rev. Mondiale. Oct. 1, 1930.

———. The end of the Greco-Turkish feud. *A. A. Pallis*. The first Balkan conference. *Wm. Miller*. Contemp. Rev. Nov., 1930.

———. Italian penetration of the Balkans. *V. K. Sugareff*. Current Hist. Nov., 1930.

Baltic Bloc. Baltischer Block und Kontinentaleuropa. *Walther Maas*. Sozialistische Monatshefte. Sept., 1930.

Belgium. Belgium's position in Europe. *Paul Hymans*. Foreign Affairs. Oct., 1930.

Caribbean. The American "empire." *William Hard*. Sat. Eve. Post. Oct. 11, 1930.

Codification. The Hague codification conference. *Hunter Miller*. Am. Jour. Int. Law. Oct., 1930.

———. Quelques observations sur la conference de codification. *Henri A. Rohin*. Rev. Droit Int. et Legis. Comp. Nov. 3, 1930.

———. La conférence de la Haye relative à la codification du droit international. *J. Guerrero*. L'Amérique et la codification du droit international privé. *Rodrigo Octavio*. Rev. Droit Int. Nov. 2, 1930.

Danzig. Danzig und Edingen. *Hermann Steinert*. Deutsche Arbeit. Aug., 1930.

———. Die Rechtsgrundlagen der Beziehungen zwischen Danzig und Polen. *Viktor Böhmert*. Zeitschrift Völkerrecht. Heft IV, 1930.

Diplomacy. Pre-war diplomacy and the European press. *Sidney B. Fay*. Current Hist. Nov., 1930.

Disarmament. Behind the curtains of Anglo-American fleet parity. *D. von Mierka*. Coast Artillery Jour. Sept., 1930.

———. The London naval treaty. *Graham H. Stuart*. Disarmament and the Pacific. *F. W. Eggleston*. Pacific Affairs. Sept., Dec., 1930.

———. Limitation of air armaments. *David Woodward*. For. Pol. Assoc. Inf. Service. Oct. 29, 1930.

———. Building our London treaty navy. *Melvin F. Talbot*. Rev. of Revs. Dec., 1930.

Egypt. Comment se pose aujourd'hui la question d'Égypte. Rev. Deux Mondes. Sept. 15, 1930.

———. The Egyptian riddle. *A. R. I. Mellor*. Nine. Cent. Oct., 1930.

———. Egypt. *E. W. Polson Newman*. Contemp. Rev. Nov., 1930.

Europe. Les conditions psychologiques du rapprochement franco-allemand. *J. Gaudefroy-Demombynes*. Grande Rev. Aug., 1930.

———. Foreign affairs. *George Glasgow*. Geneva and the world. *H. W. Harris*. Contemp. Rev. Oct., Nov., 1930.

———. L'organisation économique de la nouvelle Europe centrale. *Elmer Hantos*. *L'Esprit Int.* Oct., 1930.

———. A policy for central Europe. *Milan Hodza*. The melting pot of central Europe. *E. W. Poison Newman*. *Nine. Cent.* Oct., Nov., 1930.

———. La coopération économique européenne. *Adolphe Landry*. *Rev. Pol. et Parl.* Nov., 1930.

European Federation. Europa, antieuropa e paneuropa. *Francesco Coppola*. *Politica*. Feb.-Apr., 1930.

———. Les réponses au mémorandum Briand. *L. de Monthuc*. *Rev. Droit. Int. Sci. Dipl. et Pol.* Apr.-June, 1930.

———. Il dissidio franco-italiano visto dalla stampa degli stati uniti. *Guido Errante*. *Rassegna Italiana*. Sept., 1930.

———. American background of Briand's vision of a united Europe. *James Brown Scott*. *Am. Jour. Int. Law*. Oct., 1930.

———. L'union européenne et la XI^e assemblée de la S. D. N. *Georges Scelle*. *Rev. Pol. et Parl.* Oct., 1930.

———. La politique étrangère: la fédération européenne. *L. Dumont-Wilden*. *Rev. Bleue*. Oct. 4, 1930.

———. The disunited states of Europe. *Salvador de Madariaga*. *Forum*. Oct., 1930.

———. Europe at the cross roads. *Frank H. Simonds*. *Rev. of Revs.* Oct., 1930.

———. Le projet de fédération européenne. *Henry de Jouvenel*. *L'Esprit Int.* Oct., 1930.

———. The case against pan-Europa. *David Mitrany*. *Current Hist.* Oct., 1930.

———. U. S. A. og Europa. *Ronald Fangen*. *Gads Danske Mag.* Oct., 1930.

———. United States of Europe—a British labor view. *W. Milne-Bailey*. *Am. Federationist*. Nov., 1930.

———. England against Europe. *J. Bardoux*. *Liv. Age*. Nov., 1930.

———. Nun erst recht Kontinentalpolitik. *Herman Kranold*. *Sozialistische Monatshefte*. Sept., 1930.

———. Mémorandum sur l'organisation d'un régime d'union fédérale européenne. *Aristide Briand*. Le problème de la souveraineté des états et la coopération européenne. *Joseph Barthélemy*. Les conditions d'existence d'une union européenne. *Louis Le Fur*. Vers l'union européenne. *C. R. Pusta*. *Rev. Droit Int.* No. 2, 3, 1930.

Far East. Le conflit anglo-russe en Haute Asie. *Marcel Bouvier*. *Rev. Mondiale*. Sept. 15, 1930.

France and Germany. L'avenir des relations franco-allemandes. *Wladimir d'Ormesson*. *Correspondant*. Sept. 25, 1930.

France and Italy. France et Italie. *Pierre Bernus*. *Rev. Paris*. Nov. 1, 1930.

Freedom of the Seas. Constantinople et les détroits. *Pierre Renouvin*. *Rev. Droit Int.* No. 2, 1930.

Imperialism. Per la conquista del mercato mondiale del petrolio. *Selim Cattani*. *Rassegna Italiana*. July, 1930.

———. La politique française du pétrole. *F. Lescazes*. *Nouvelle Rev.* Sept. 15, Oct. 1, 15, Nov. 1, 1930.

- . The mineral position of the nations. *C. K. Leith*. Foreign Affairs. Oct., 1930.
- . Economic imperialism. *Raymond Leslie Buell*. Forum. Oct., 1930.
- Inter-American Relations.** La situation de l'Amérique latine vis-a-vis des États-Unis d'Amérique. *Dantes Bellegarde*. Rev. Droit Int. Sci. Dipl. et Pol. Apr.-June, 1930.
- . The commercial relations between the United States and Argentina. *Paul De Witt*. Southwestern Pol. and Soc. Sci. Quar. Sept., 1930.
- . The Americans in the Argentine. *Jorge J. Blanco*. Am. Mercury. Oct., 1930.
- . Inter-American commission of women. *James Brown Scott*. Am. Jour. Int. Law. Oct., 1930.
- . What the inter-American commission of women has accomplished. *Fanny Bunand-Sévastos*. Cong. Digest. Nov., 1930.
- . Canadian sentiment toward the United States. *J. A. Stevenson*. The pan-American illusion. *Diomedes de Peryra*. Current Hist. Oct., Nov., 1930.
- . The first inter-American conference on agriculture. *J. L. Colom*. Pan-American conference on the regulation of automotive traffic. Bull. Pan-Am. Union. Dec., 1930.
- International Conferences.** La demande reconventionnelle en procédure internationale. *D. Anzilotti*. Jour. Droit. Int. July-Oct., 1930.
- . Europe goes into conference. *Frank H. Simon's*. Rev. of Revs. Dec., 1930.
- International Coöperation.** International lighthouse at Cape Spartel. *Graham H. Stuart*. Intellectual coöperation. *James Brown Scott*. Am. Jour. Int. Law. Oct., 1930.
- . Errori ed insidie dell' intellettualismo internazionale. *Valentino Piccoli*. Rassegna Italiana. Oct., 1930.
- International Labor Organization.** The Pacific and the international labor conference. *Elizabeth Green*. Pacific Affairs. Sept., 1930.
- . The fourteenth session of the international labour conference. Int. Labour Rev. Sept., 1930.
- . La quatorzième conférence du travail. *C.-J. Gignoux*. Rev. Paris. Sept. 15, 1930.
- International Law.** La juridiction internationale decoulant des accords de la Haye et de Paris. *Ferdinand Baumgarten*. Code des prisonniers de guerre. *Gustave Rasmussen*. Rev. Droit Int. Sci. Dipl. et Pol. Apr.-June, 1930.
- . Rights over the Arctic. *W. Lakhtine*. International protection of whales. *Philip C. Jessup*. The Heinrich Augustin case. *Eric C. Bellquist*. Turning over and return of Dutch vessels. *George Grafton Wilson*. International legislation on treatment of foreigners. *Pitman B. Potter*. Am. Jour. Int. Law. Oct., 1930.
- . L'aménagement des compétences en droit international. *Ch. Rousseau*. La responsabilité internationale pour crimes commis sur le territoire d'un état. *Louis Delbez*. Le doyen Duguit et l'étude du droit international public. *Marc Régla*. Rev. Gén. Droit. Int. Pub. July-Oct., 1930.
- . Casi pratici di diritto internazionale. *Arnoldo Moscato*. Il problema

della guerra lecita nel diritto internazionale comune. *G. Balladore Pallieri*. Riv. Diritto Int. July-Sept., 1930.

———. International standing in court of foreign corporations. *E. R. Latty*. Mich. Law Rev. Nov., 1930.

Japanese Policy. The re-orientation of Japan's foreign policy. *T. A. Bisson*. For. Pol. Assoc. Inf. Service. Oct. 15, 1930.

———. Japan and Manchuria. *Hsu Shu-hsi*. Pacific Affairs. Sept., 1930.

League of Nations. The kindergarten of peace. *W. H. Carter*. Fort. Rev. Nov., 1930.

———. The beginnings of international government. *William E. Rappard*. Am. Pol. Sci. Rev. Nov., 1930.

———. Loungers of the league. *Wythe Williams*. Sat. Eve. Post. Dec. 6, 1930.

Mandates. Native policy in east Africa. *Baron Lugard*. Foreign Affairs. Oct., 1930.

Mediterranean. L'Italia e il Mediterraneo. *Celestino Coppellotti*. Rassegna Italiana. Sept., 1930.

Minorities. Protection des minorités et reconnaissance internationale des droits de l'homme. *Charles Rousseau*. Rev. Droit Pub. et Sci. Pol. July-Sept., 1930.

———. La généralisation de la protection internationale des droits de l'homme. *André Mandelstam*. Rev. Droit Int. et Légis. Comp. No. 3, 1930.

Nationality. Le droit international hongrois en matière de mariage et de divorce. *Henri Hajnal*. Convention relative à la nationalité de la femme mariée conclue entre la France et la Belgique. *Robert Dreyfus*. Jour. Droit Int. July-Oct., 1930.

———. Basic rules of Yugoslav law concerning nationality. *J. Peritch*. Marriage between persons of differing nationalities. *Charles Cheney Hyde*. Am. Jour. Int. Law. Oct., 1930.

———. La nationalité dans l'U.R.S.S. *Raoul Dufour*. Rev. Gén. Droit. Int. Pub. July-Oct., 1930.

Neutrality. Les neutres et les dommages de guerre. *A. de Lapradelle*. Rev. Droit Int. No. 3, 1930.

Occupation of Germany. Le problème allemand après l'évacuation de la Rhénanie. Comment nous avons occupé la Ruhr. *Paul Tirard*. Rev. Deux Mondes. Oct. 15, Nov. 1, 1930.

Outlawry of War. La renonciation à la guerre et le droit interne. *Boris Mirkine-Guetzevitch*. L'Esprit Int. Oct., 1930.

———. The realities of world peace. *Albert Bushnell Hart*. Current Hist. Oct., 1930.

———. Les oeuvres et les idées: M. Edouard Herriot et l'idéologie de la paix. *Lucien Maury*. Rev. Bleue. Nov. 1, 1930.

———. L'organisation de la paix. *Henri Austruy*. Nouvelle Rev. Nov. 1, 1930.

———. The attempt to define aggression. *Clyde Eagleton*. Int. Conciliation. Nov., 1930.

———. Les suggestions allemandes en vue de forces les moyens de prévenir

la guerre. *Olof Høijer*. La mise en harmonie du pacte de la S.D.N. avec le pacte de Paris. *Gallus*. Rev. Droit Int. No. 3, 1930.

Palestine. Die Balfour-Deklaration. *Europas*. Preuss. Jahrbücher. Sept., 1930.

———. The Balfour declaration. *Pierre Crabitès*. Canadian Bar Rev. Sept., 1930.

———. La "national home" ebraica in Palestina e le origini della sua crisi attuale. *Romolo Tritouj*. Rassegna Italiana. Oct., 1930.

———. Zionism in Palestine. *Owen Tweedy*. Atlan. M. Oct., 1930.

———. Die Zukunft der jüdischen Palästinaarbeit. *Julius Kaliski*. Sozialistische Monatshefte. Oct., 1930.

———. Zion for Arabs. *Harold Loeb*. New Repub. Nov. 12, 1930.

Radio. L'établissement des postes privés de radiodiffusion. *Achille Mestre*. Rev. Pol. et Parl. Nov., 1930.

Reparations. The legal character of the bank for international settlements. *Sir John Fischer Williams*. Am. Jour. Int. Law. Oct., 1930.

———. The eastern reparations settlement. *Royall Tyler*. Foreign Affairs. Oct., 1930.

———. The bank of banks. *Isaac F. Marcossou*. Sat. Eve. Post. Oct. 11, 1930.

———. The Young plan in relation to world economy. *John Foster Dulles* and *Hjalmar Schacht*. For. Pol. Assoc. Pamphlet No. 68, Series 1930-31 (Nov., 1930).

———. La liquidazione finanziaria della guerra: I. Piana Dawes e Young. *Federico Flora*. Studi Scienze Giuridiche e Sociali. Vol. II (xv), 1930.

———. Après les ratifications du plan Young: révision et sanctions. *André Pépy*. Rev. Droit Int. No. 2, 1930.

Russia. Les soviets contre l'islam. *Djeyhoun Bey Hadjibeyli*. Rev. Deux Mondes. Sept. 15, 1930.

———. The organisation of soviet finance. *S. Muddiman*. Pub. Admin. Oct., 1930.

———. Il terrore russo? *Eugenio Anagnine*. Rassegna Italiana. Oct., 1930.

———. The soviet union and peace. *Geoffrey Popham*. Quar. Rev. Oct., 1930.

———. American recognition of Russia: what it should mean to Europe. *Paul Scheffer*. The soviets and foreign concessions. *N. Liubimov*. Foreign Affairs. Oct., 1930.

———. Will America recognize Russia? *Paul Scheffer*. Liv. Age. Oct., 1930.

———. Servants of the soviets. *Louis Fischer*. Nation. Nov. 26, 1930.

———. The Russian dilemma. *S. S. Menken*. N. Am. Rev. Dec., 1930.

———. Russian "dumping." *Louis Fischer*. An American loan to Russia. *M. M. Sherover*. Nation. Dec. 17, 1930.

Saar. Un infructueux essai de collaboration franco-allemande en Sarre. *James Donnadieu*. Rev. Pol. et Parl. Sept., 1930.

———. L'aspect économique du problème sarrois. *Frederic Eccard*. Rev. Pol. et Parl. Nov., 1930.

Succession. De la responsabilité internationale des états à raisons de crimes

ou délits commis sur leur territoire au préjudice d'étrangers. *Jacques Dumas*. *Rev. Droit Int.* No. 2, 1930.

Tariff. Tariff and trade. The new American law and the Pacific. *H. F. Grady*. *Pacific Affairs*. Aug., 1930.

———. Some questions about free trade. *E. D. Simon*. *Pol. Quar.* Sept.-Dec., 1930.

———. The new American tariff: Europe's answer. *Percy W. Bidwell*. *Foreign Affairs*. Oct., 1930.

———. Foreign reactions to the American tariff act. *Lawrence B. Mann*. *For. Pol. Assoc. Inf. Service*. Oct. 1, 1930.

Treaties. La force obligatoire des traités signés non encore ratifiés. *Joseph Nisot*. *Jour. Droit Int.* July-Oct., 1930.

———. Registration of treaties. *Manley O. Hudson*. *Am. Jour. Int. Law*. Oct., 1930.

———. Zur Theorie und Praxis der Vorbehalte in den Staatsverträgen. *Claudio Baldoni*. *Rev. Int. Théorie Droit*. Vol. IV, No. 3/4, 1930.

Unemployment. Le chômage, problème international. *Samuel McCune Lindsay*. *L'Esprit Int.* Oct., 1930.

Vatican. Lo stato della città del Vaticano. *Rudolph Oeschey*. Die regelung der römischen Frage durch die Lateranverträge. *Karl Strupp*. *Zeitschrift Völkerrecht*. Heft IV, 1930.

Versailles Treaty. Revision ja, aber die richtige. *R. Kleineibst*. *Sozialistische Monatshefte*. Oct., 1930.

———. Die Grossmächte und die Anschlussfrage. *K. A. P. Rohan*. *Preuss. Jahrbücher*. Oct., 1930.

———. La politique étrangère: la campagne pour la révision des traités. *L. Dumont-Wilden*. *Rev. Bleue*. Nov. 1, 1930.

Warfare. La guerre sous-marine allemande. *Admiral Caster*. *Rev. Paris*. Sept. 15, 1930.

———. Rival wings over Europe. *A. G. West*. *N. Am. Rev.* Dec., 1930.

———. War planning and industrial mobilization. *A. B. Quinton, Jr.* *Harvard Bus. Rev.* Oct., 1930.

———. Industrial mobilization. *F. H. Payne*. *Coast Artillery Jour.* Nov., 1930.

World Court. Den internationale Dømtols Tiaars Jubilæum. *Hugo Hergel*. *Gads Danske Mag.* Sept., 1930.

———. Election of members of the permanent court of international justice.

Manley O. Hudson. *Am. Jour. Int. Law*. Oct., 1930.

———. Foreign relations and the world court. *H. R. Burton*. *Com. Law League Jour.* Nov., 1930.

———. The new bench of the world court. *Manley O. Hudson*. *Am. Bar Assoc. Jour.* Nov., 1930.

———. References of the permanent court of international justice to American authorities. *Arthur K. Kuhn*. *Pa. Law Rev.* Nov., 1930.

———. The optional clause. *Wm. Hepburn*. *Georgetown Law Jour.* Nov., 1930.

———. La cour permanente de justice internationale en 1929. *Paul de Vineuil*. *Rev. Droit Int. et Légis. Comp.* No. 3, 1930.

World War. Die letzte Phase der Vorgeschichte des Weltkrieges. *Justus Hasagen*. Europäische Gespräche. Oct., 1930.

———. La politica tedesca dell'impotenza nella guerra mondiale. *S. N. Rocca*. Nuova Antologia. Oct., Nov., 1930.

———. Was peace possible in 1917? *Sir Charles Petrie*. Fort Rev. Nov., 1930.

JURISPRUDENCE

Books

Best, Harry. Crime and the criminal law in the United States. Pp. 632. N. Y.: Macmillan.

Bonnard, R. Précis élémentaire de droit administratif: supplément 1930. Paris: Recueil Sirey.

Carabiber, Charles. Conflits de lois et condition des étrangers en droit international privé grec. Pp. 245. Paris: Recueil Sirey.

Dalloz. Code administratif. 2 vols. Pp. 1551. Paris: Dalloz.

Delvolvé, J. Les délégations de matières en droit public. Pp. 354. Paris: Recueil Sirey.

Hall, Robert C. Facing the issue squarely. Pp. xiv + 190. London: Putnam.

Hallis, F. Corporate personality: a study in jurisprudence. Pp. 258. London: Oxford Press.

Hopkins, Alfred. Prisons and prison building. Pp. 140. N. Y.: Architectural Book Pub. Co.

Iddings, Elizabeth S. Current research in law for the academic year 1929-1930. Pp. x + 298. Baltimore: Johns Hopkins Press.

Lapradelle, A. de, and Niboyet, J. P. Répertoire de droit international. T. VII: Droit international privé comparé. Pp. 685. Paris: Recueil Sirey.

Lavine, Emanuel H. The third degree. Pp. 248. N. Y.: Vanguard Press.

Mountain, T. W. Life in London's great prisons. Pp. 180. London: Methuen.

Pocock, Sir Sidney J. The prisoner and the prison. Pp. 144. London: Alston Rivers.

Scott, Arthur P. Criminal law in colonial Virginia. Chicago: Univ. of Chicago Press.

Sherrill, George R. Criminal procedure in North Carolina. Chapel Hill (N. C.): Univ. of N. C. Press.

Syed, A. A. Mohammedan law. Vol. II. Pp. 580. London: Thacker.

Topping, C. W. Canadian penal institutions. (Social Service Monographs.) Chicago: Univ. of Chicago Press.

Toulemon, A. La question du jury. Pp. 295. Paris: Recueil Sirey.

Valdes, M. M. French justice: seven months under sentence of death. (Trans. by Dora Round.) Pp. 256. London: Faber & Faber.

Williamson, W. H. Annals of crime. Pp. 286. London: Routledge.

Articles

Bar. Bar examinations. *P. J. Wickser*. Indiana's constitution and the problem of admission to the bar. *B. C. Gavit*. Am. Bar Assoc. Jour. Sept., Nov., 1930.

———. Legal education and admission to the bar. *B. C. Gavit*. Law and Lawyers. *J. A. Van Osdol*. Ind. Law Jour. Nov., 1930.

Case Method. Murder and the case study method. *R. E. Park*. Am. Jour. Sociol. Nov., 1930.

Civil Law. L'économie nationale et le droit civil. *F. Geny*. Rev. Trim. Droit Civil. No. 1, 1930.

———. La unificación integral del derecho civil americano. *Francisco Cosen-tini*. Rev. Gen. Legis. y Juris. Aug.-Sept., 1930.

Code of Hammurabi. The cultural background and some of the social phases of the code of Hammurabi. *L. R. Ycnkwich*. South. Calif. Law Rev. Oct., 1930.

———. The code of Hammurabi. *H. Lovejoy*. Ga. Lawyer. July, 1930.

Codification. La codification du droit civil au Brésil. *R. Octavio*. Rev. Trim. Droit Civil. No. 3, 1930.

Conflict of Laws. What is private international law. *P. Arminjon*. South. Calif. Rev. Oct., 1930.

———. Le droit international privé dans son développement moderne. *André Prudhomme*. Les étrangers devant la loi du 30 avril 1930 sur les assurances sociales. *Barthélemy Reynaud*. Jour. Droit Int. July-Oct., 1930.

Crime. The crime habit. The balance wheel. In vain the building. Some factors in crime. *Thomas J. Walsh*. What four walls can do. The gap in crime statistics. Treatment "when and if." *Clarence F. Green*. Dope for the dopest. *S. S. Klein*. There's one born every minute. *H. O. G.* Prison education. *Adams, 8658*. Education in the prison cell. *Chester Allen*. Delinquency in American youth. 13136. Agenda. Aug., Sept., Oct., Nov., 1930.

———. Attitude of the Indiana bar towards the crime situation. *J. M. Ogden*. Ind. Law Jour. Oct., 1930.

———. Newspaper men—partners in crime? *Silas Bent*. Scribner's. Nov., 1930.

———. Savonarola in Los Angeles. *Duncan Aikman*. Am. Mercury. Dec., 1930.

Criminal Procedure. The Cleveland system of assigning cases. *H. D. Nims*, *G. Z. Medakie*, and *S. T. Philbin*. Am. Bar Assoc. Jour. Dec., 1930.

Development of Law. The law flirts with change. *B. H. Stoodley*. Am. Mercury. Nov., 1930.

Diversity Jurisdiction. Devices to avoid diversity jurisdiction. Harvard Law Rev. Nov., 1930.

Entrapment. Entrapment as a defense to criminal prosecution. Harvard Law Rev. Nov., 1930.

Jewish Law. Some humane features of pentateuchal law. *F. G. McKean*. Dickinson Law Rev. Oct., 1930.

Judicial Logic. Judicial logic as applied in delimiting the concept of business "affected with a public interest." *Wm. C. Scott*. Ky. Law Jour. Nov., 1930.

Juridical Concepts. Human rights and property rights. *F. H. Blume*. U. S. Law Rev. Nov., 1930.

Law Enforcement. The program of the commission on law observance and enforcement. *George W. Wickersham*. Am. Bar Assoc. Jour. Oct., 1930.

———. Law enforcement or the adjective law. *C. S. Bradley*. Tex. Law Rev. Oct., 1930.

———. A study of arrests in Detroit, 1913 to 1919. *A. E. Wood. Jour. Crim. Law and Crim. Aug., 1930.*

Law Reform. Relation of constitutional limitations to the reform of the law. *H. U. Sims. Am. Bar Assoc. Jour. Oct., 1930.*

———. Law reform and law reformers. *C. T. Marshall. Tex. Law Rev. Oct., 1930.*

Moral Turpitude. Violation of a prohibition law as a crime involving moral turpitude. *N. W. H. Va. Law Rev. Nov., 1930.*

Penal Code. El proyecto del código penal chileno. *Eugenio Cuello Calón. Rev. Gen. Legis. y Juris. July, 1930.*

Prison Reform. Widening the horizon of the prison cell. *Chester Allen. Social Forces. Oct., 1930.*

Procedure. Procédure judiciaire et procédure arbitrale. *Jean Garnier-Coignet. Rev. Droit Int. No. 3, 1930.*

———. Contribución al estudio de la relación jurídica procesal. *Valentin Silva Melero. Rev. Gen. Legis. y Juris. Aug.-Sept., 1930.*

Psychiatry. Probate psychiatry—the legal viewpoint. *S. J. Stephens. Probate psychiatry—the psychiatric viewpoint. H. S. Hulbert. Ill. Law Rev. Nov., 1930.*

———. Mental defectives and the criminal law. *D. G. McCarty. Com. Law League Jour. Nov., 1930.*

———. The new criminology. *T. O. Tacy. Lawyer and Banker. Sept.-Oct., 1930.*

Roman Law. Factors in the preservation of Roman law. *C. S. Lobingier. Georgetown Law Jour. Nov., 1930.*

Rule-Making. The rule-making power in the various states. *William H. Bryan. State Bar Jour. (Calif.). Dec., 1930.*

Scope of Law. Law and letters. *Lord Macmillan. Am. Bar Assoc. Jour. Oct., 1930.*

Sociological Jurisprudence. Roscoe Pound and sociological jurisprudence. *Walter Pollak. So. African Law Jour. Aug., 1930.*

Statistics. Present status of judicial statistics. *C. E. Clark. Creating a plan for criminal court statistics. S. B. Warner. Jour. Am. Judicature Soc. Oct., 1930.*

———. Defects of English and American statistics. *E. R. Sunderland. Am. Bar Assoc. Jour. Dec., 1930.*

Trial. Place of trial—interstate application of intrastate methods of adjustment. *R. S. Foster. Harvard Law Rev. Nov., 1930.*

Working of Law. How does the law work. *G. W. Johnson. World's Work. Dec., 1930.*

———. Law in action in medieval England. *W. R. Vance. Va. Law Rev. Nov., 1930.*

———. Social progress and the law. *John J. Parker. Am. Bar Assoc. Jour. Nov., 1930.*

LOCAL GOVERNMENT

Books

Adams, S. H. Modern sewage disposal and hygienics. Pp. x+473. London: Spon.

Banks, P. Metropolis. London: C. W. Daniel.

Brown, Edward F., ed. City noise. Pp. 308. N. Y.: City of N. Y.

Carey, Fred. Mayor Jim. Pp. 175. Omaha (Neb.): Omaha Printing Co.

Davis, M. M., and *Jarrett, M. C.* A health inventory of New York city. Pp. 367. N. Y.: Welfare Council of New York City.

Ellis, Roy. A civic history of Kansas City, Missouri. Springfield (Mo.): Elkins-Swyers Co.

Ford, George B., *Randall, A. B.*, and *Cox, Leonard.* Building height, bulk, and form. (Harvard City Planning Studies.) Cambridge: Harvard Univ. Press.

Gee, Wilson, ed. The country life of the nation. Chapel Hill: Univ. of N. C. Press.

Henderson, A., and *Maddock, L.* The housing acts, 1925-1930. Pp. 514. London: Eyre & Spottiswoode.

Hubbard, Henry V., *McClintock, Miller*, and *Williams, Frank B.* Airports: their location, administration, and legal basis. (Harvard City Planning Studies.) Pp. 190. Cambridge: Harvard Univ. Press.

Hunter, Joel D., and *Stewart, Annabel M.* Juvenile division of the municipal court of Philadelphia. (Philadelphia Municipal Court Survey Series.) Pp. xxiv+163. Philadelphia: Bureau of Municipal Research.

Kennedy, Louise Venable. The negro peasant turns cityward. Pp. 270. N. Y.: Columbia Univ. Press.

McLean, W. H. Regional and town planning in principle and practice. Pp. xii+148. London: Crosby Lockwood.

Mason, Edward S. The Paris commune. N. Y.: Macmillan.

Newton, Ephraim H. The history of the town of Marlborough, Windham county, Vermont. Pp. 341. Rutland (Vt.): Tuttle Co.

Polner, Tikhon J., and *others.* Russian local government during the war and the union of zemstvos. Pp. 332. New Haven: Yale Univ. Press.

Rexford, Frank Addison, ed. Our city—New York. Pp. 364. Boston: Allyn & Bacon.

Robson, W. A. Law relating to local government. Pp. 242. London: Sweet & Maxwell.

Spengler, E. H. Land values in New York in relation to transit facilities. Pp. 179. N. Y.: Columbia Univ. Press.

Steadman, Robert F. Public health organization in the Chicago region. (Soc. Sci. Studies Series.) Chicago: Univ. of Chicago Press.

Studensky, Paul. Government of metropolitan areas. (Report of the National Municipal League Committee on Metropolitan Areas.) Pp. 400. N. Y.: Nat. Mun. League.

Sullivan, Edward Dean. Chicago surrenders. Pp. 252. N. Y.: Vanguard Press.

Articles

Accounts. Accounting systems for villages. *R. S. Mallow*. *The Municipality*. Dec., 1930.

Chicago. The Chicago complex. *Herbert D. Simpson*. *Atlan*. M. Oct., 1930.

———. The diversion of water from Lake Michigan by the sanitary district of Chicago. *Cornelius Lynde*. *Ill. Law Rev.* Nov., 1930.

City Manager. What the manager plan has meant to Cleveland. *John D. Marshall*. Why some cities have abandoned manager charters: II. Extraneous circumstances and political conditions. *Arthur W. Bromage*. *Nat. Mun. Rev.* Oct., Nov., 1930.

City Planning. Planning and re-planning the American city. *Jacob L. Crane, Jr.* *Pub. Management*. Oct., 1930.

———. City planning in Cleveland. *Charlotte Rumbold*. *Nat. Mun. Rev.* Oct., 1930.

———. Fifteen years of city planning accomplishments in Milwaukee. *Charles B. Bennett*. England's first planned town. *Alfred T. Pike*. *Am. City*. Oct., Nov., 1930.

Citizens' Organizations. The citizens' league of Cleveland. *Malcolm B. Vilas*. *Nat. Mun. Rev.* Oct., 1930.

———. Organizing the citizens for good government. *S. Gale Lowrie*. *Pub. Management*. Nov., 1930.

County Government. Governance in Tennessee counties. *J. W. Manning*. *Southwestern Pol. and Soc. Sci. Quar.* Sept., 1930.

———. A well-governed county. *E. A. Terry*. *Social Forces*. Oct., 1930.

County Parks. County system of parks and recreation proves its value. *W. Richmond Tracy*. *Am. City*. Nov., 1930.

Electrical Inspection. Does electrical inspection pay. *William S. Boyd*. *Am. Municipalities*. Nov., 1930.

———. Electrical inspection in Wisconsin municipalities. *J. E. Wise*. *The Municipality*. Nov., 1930.

English Boroughs. The borough community in England. *James Tait*. *Eng. Hist. Rev.* Oct., 1930.

Federal Assistance. How the federal government assists municipalities. *Herbert Wilson*. *Pub. Management*. Oct., 1930.

Fire Protection. A modern fire department needs a technical division. *Kenneth F. Akers*. *Am. City*. Nov., 1930.

Garbage Disposal. Special equipment and careful supervision in Los Angeles county remove objections to garbage disposal by hog feeding. *L. F. Conti*. *Am. City*. Dec., 1930.

Gas Tax. Municipalities and what the state does with the gas tax they pay. *Charles H. Greene*. *Ill. Mun. Rev.* Oct., 1930.

Housing. The president's housing conference. *Clarence S. Stein*. *Am. City*. Nov., 1930.

Jitney Regulation. The power of Michigan municipalities to regulate the jitney. *D. W. Gilbert*. *Detroit Law Rev.* Sept.-Oct., 1930.

Municipal Finance. The taxless city. *Roger W. Babson*. *Nat. Mun. Rev.* Nov., 1930.

———. Public revenue in Illinois: its relation to municipal finance. *Simeon E. Leland*. Ill. Mun. Rev. Nov., 1930.

———. Local government finance in Germany. *May Dhonau*. Pub. Admin. Oct., 1930.

Municipal Golf Courses. The regulation and licensing of municipal golf courses. *Thomas A. Matthews*. Ill. Mun. Rev. Oct., 1930.

Peddlers. Regulation of transient merchants, canvassers, hawkers, and peddlers. *Maxwell H. Herriott*. The Municipality. Dec., 1930.

Pensions. Chicago's municipal employees' annuity fund. *J. G. Bennema*. Am. Federationist. Sept., 1930.

Health. Is a health officer needed in a Wisconsin municipality? *E. V. Brumbaugh*. The Municipality. Oct., 1930.

———. Local health organizations. *John A. Ferrell*. A public health program for Minnesota. *O. E. Locken*. The typhoid mortality rate in Minnesota. *L. F. Richdorf*. Minn. Municipalities. Dec., 1930.

Metropolitan Government. County reform and metropolitan government. *William A. Greenlund*. Nat. Mun. Rev. Oct., 1930.

New York City. New York City: corruption as usual. *Joseph McGoldrick*. New Repub. Oct. 15, 1930.

———. New York: an urban empire. *George McAneny*. Current Hist. Nov., 1930.

———. A unique experiment. *A. L. Moffat*. N. Am. Rev. Nov., 1930.

Ordinances. The codification and revision of municipal ordinances. *Harvey Walker*. Pub. Management. Oct., 1930.

Parks. The Cleveland metropolitan park system. *W. A. Stinchcomb*. Nat. Mun. Rev. Oct., 1930.

Public Utilities. Quaint electric rates. *Morris Llewellyn Cooke*. Nat. Mun. Rev. Nov., 1930.

Schools. Cleveland school board adheres to pay-as-you-go. *C. A. Gzsell*. Nat. Mun. Rev. Oct., 1930.

Sewage Disposal. What is sewage treatment and why is it necessary? *Frank C. Roe*. The operation of sewage disposal plants of the tank and filter type. *V. W. Whiteford*. Sewage treatment plant built and operated as a public utility. *Harry G. Payrow*. Am. City. Oct., Dec., 1930.

Snow Removal. Minneapolis tackles the snow problem. *James Garberg*. Am. City. Dec., 1930.

State Supervision. State supervision of local finance in Minnesota. *Edwin O. Stene*. Minn. Municipalities. Nov., 1930.

———. The sphere of the state in local administration. *G. Montagu Harris*. Pub. Admin. Oct., 1930.

Street Cleaning. Street sanitation in Havana. *Bernardo Wolf*. Am. City. Oct., 1930.

Street Railways. How the Taylor grant is operating. *A. F. Blaser*. Nat. Mun. Rev. Oct., 1930.

———. The tax that breaks the street car's back. *Leslie Vickers*. Pub. Utilities Fort. Nov. 27, 1930.

Tort Liability. Municipal negligence in drainage cases. *G. S. Rutherford*. Canadian Bar Rev. Sept., 1930.

Traffic Regulation. Facilitating traffic flow at street and highway intersections. *Ernest P. Goodrich.* Am. City. Nov., 1930.

———. Speeding up speed laws. *P. F. O'Shea.* N. Am. Rev. Nov., 1930.

Unemployment. An appraisal of Cincinnati's efforts to meet unemployment. *C. A. Dykstra, and F. K. Hoehler.* Nat. Mun. Rev. Nov., 1930.

Urbanization. Methods of forecasting future population. *Fred H. Sterns.* Pub. Management. Nov., 1930.

Water Supply. Taste and odor removal from public water supplies. *L. F. Warrick and O. J. Muegge.* The Municipality. Nov., 1930.

Zoning. Limiting skyscrapers. *Arthur Dewing.* N. Am. Rev. Dec., 1930.

POLITICAL THEORY AND MISCELLANEOUS

Books

Anon. La liberté syndicale. Pp. 498. Paris: Berger-Levrault.

Baker, G. The soul of a skunk: the autobiography of a conscientious objector. Pp. 274. London: Partridge.

Battaglia, O. F. de, ed. Dictatorship on its trial. Pp. 416. London: Harrap.

Benecke, Otto. Staat und Volksbildung. Berlin: Gersbach & Sohn.

Cole, G. D. H. The life of Robert Owen. Pp. x+350. London: Macmillan.

Fox, F. Parliamentary government—a failure? Pp. 192. London: S. Paul.

Gorovseff, A. Les révolutions. Pp. 225. Paris: F. Alcan.

Höfding, Harold. Jean Jacques Rousseau and his philosophy. (Trans. by L. E. A. Saidla and Wm. Richards.) New Haven: Yale Univ. Press.

Jones, Tudor. Contemporary thought of Germany. Pp. 277. London: Williams & Norgate.

Lasswell, Harold Dwight. Psychopathology and politics. Pp. 294. Chicago: Univ. of Chicago Press.

La-Tour-Du-Pin La Charce. Aphorisme de politique sociale. Pp. 104. Paris: G. Beauchesne.

Luzzatti, Luigi. God in freedom: studies in the relations between church and state. (Translated from the Italian by Alfonso Arbib-Costa.) Pp. xxxix +794. N. Y.: Macmillan.

Markham, S. F. A history of socialism. Pp. 328. London: Black.

Matsushita, Shutarō. The economic effects of public debts. Pp. 186. N. Y.: Columbia Univ. Press.

Mowrer, E. A. Simon, or the future of politics. London: Kegan Paul.

Peel, G. The economic war. Pp. 300. London: Macmillan.

Plato. The republic. (Trans. by Paul Shorey.) (Loeb Classical Library.) 2 vols. Pp. 536. London: Heinemann.

Post, Louis F. The prophet of San Francisco: personal memories and interpretation of Henry George. N. Y.: Vanguard Press.

Reed, Louis S. The labor philosophy of Samuel Gompers. N. Y.: Columbia Univ. Press.

Rice, Stuart A., ed. Methods in social science: a case book. Chicago: Univ. of Chicago Press.

Rorem, C. Rufus. The public's investment in hospitals. Chicago: Univ. of Chicago Press.

Stone, C. G. The social contract of the universe. Pp. 118. London: Methuen.

Underwood, A. G. Contemporary thought of India. Pp. 235. London: Williams & Norgate.

Winkler, Erich. Die Politik und ihre Gesetze. Jena: Zwing.

Zeuthen, F. Problems of monopoly and economic warfare. Pp. 152. London: Routledge.

Articles

Bodin. Sovereignty at the crossroads: a study of Bodin. *Max Adams Shepard.* Pol. Sci. Quar. Dec., 1930.

Capitalism. Die sozial- und wirtschaftsphilosophischen Ideen des kapitalistischen Zeitalters. *Goetz Briefs, Alfred Meusel, and Wilhelm Andreas.* Archiv Rechts- u. Wirtschaftsphilosophie. Oct., 1930.

Church and State. Malta: church and state. *A.S.V.S. Foreign Affairs.* Oct., 1930.

———. Augustinianism in the thirteenth century. *Leslie Walker.* Dublin Rev. Oct., 1930.

———. Stat og Kirke. *J. Oskar Andersen.* Gads Danske Mag. Oct., Nov., 1930.

———. Ought the establishment to be maintained? *Herbert Hensley Henson.* Pol. Quar. Sept.-Dec., 1930.

Corporate State. Problemi della politica rurale e stato corporativo. *Lello Gangemi.* Studi Scienze Giuridiche e Sociali. Vol. II (xv), 1930.

Democracy. Über Demokratie und Parlamentarismus. *Bernard Shaw.* Neue Rundschau. Oct., 1930.

———. The twilight of democracy. *Austin Hcpkinson.* English Rev. Nov., 1930.

———. Democracy and the expert. *Felix Frankfurter.* Atlan. M. Nov., 1930.

———. Sur la "mystique" démocratique. *Georges Guy-Grand.* Mercure de France. Nov. 15, 1930.

———. Liberty and democracy. *Louis Le Ferre.* Am. Mercury. Dec., 1930.

Fascism. La visione economica del fascismo. *Luigi Amoroso.* Studi Scienze Giuridiche e Sociali. Vol. II (xv), 1930.

Federal Government. The readjustment of central and provincial finance in federal constitutions. *G. Findlay Shirras.* Studi Scienze Giuridiche e Sociali. Vol. II (xv), 1930.

Laski. Harold Laski—political philosopher. *A. Dandieu.* Liv. Age. Nov., 1930.

Measurements. Present status of measurement in the social sciences. *P. V. Sangren.* Historical Outlook. Oct., 1930.

Materialism. Matérialisme et idéalisme juridiques. *Marcel Nast.* Rev. Int. Théorie Droit. Vol. IV, No. 3/4.

Paine. Tom Paine. *W. E. Dodd.* Am. Mercury. Dec., 1930.

Parliamentary Government. Le renforcement de l'exécutif et le régime parlementaire. *B. Mirkin-Guetzévitch.* Rev. Droit Pub. et Sci. Pol. July-Sept., 1930.

———. *La réforme des méthodes du travail parlementaire.* Aubert Lefas. *Rev. Sci. Pol.* July-Sept., 1930.

Political Science. The pragmatic approach to political science. George H. Sabine. *Am. Pol. Sci. Rev.* Nov., 1930.

Politics. Constructive dissent from present political degradation. C. H. Wheldon, Jr. *Social Forces.* Oct., 1930.

———. Religion, science, politics. Dean Inge. *Forum.* Dec., 1930.

Public Opinion. Public opinion from a behavioristic viewpoint. G. A. Lundberg. *Am. Jour. Sociol.* Nov., 1930.

Representative Government. Some random remarks on representative government. T. H. Franklin. *Tex. Law Rev.* Oct., 1930.

Revolution. Die juristische Théorie der Revolution. M. Stockhammer. *Rev. Int. Théorie Droit.* Vol. IV, No. 3/4.

Schools. Staten og Skolen. Einer Andersen. *Gads Danske Mag.* Oct., 1930.

Separation of Powers. The legislature and administration. Charles Christie. *Pub. Admin.* Oct., 1930.

Socialism. A socialist boyhood. Samuel Yellen. *Am. Mercury.* Oct., 1930.

———. El socialismo, el sindicalismo y las corporaciones del trabajo. Francisco Hostench. *Rev. Gen. Legis. y Juris.* Oct., 1930.

———. The economic basis of socialism. H. D. Dickinson. *Pol. Quar.* Sept.-Dec., 1930.

Social Science Abstracts. "Social Science Abstracts"—an institution. F. Stuart Chapin. *Am. Jour. Sociol.* Nov., 1930.

Tolerance. Sources of tolerance. Learned Hand. *Pa. Law Rev.* Nov., 1930.

Unemployment Insurance. Unemployment and unemployment insurance. A. C. B. Lewis. *Social Forces.* Oct., 1930.

Vindiciae Contra Tyrannos. The authorship of *Vindiciae contra Tyrannos*. Ernest Barker. *Cambridge Hist. Jour.* Vol. III, No. 2 (1930).

Winthrop. The political thought of John Winthrop. Stanley Gray. *New England Quar.* Oct., 1930.

GOVERNMENT PUBLICATIONS

MILES C. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil Service commission. Application of merit system in United States civil service; articles and addresses of members of Civil Service Commission. Washington: Govt. Ptg. Off., 1930. 106 p.

———. Information concerning removals, reductions, suspensions, and furloughs. June, 1930. Washington: Govt. Ptg. Off. 10 p.

———. General information regarding United States civil service, including list of positions not subject to competitive civil service examination. (With civil service bibliography.) Washington: Govt. Ptg. Off., June, 1930. 29 p.

Congress, House of Representatives. Civil service retirement and salary classification laws; comp. by Elmer A. Lewis. Washington: Govt. Ptg. Off., 1930. 83 p.

———. Laws authorizing refunding debts of foreign governments and settlement of war claims act of 1928, with amendments; comp. by Elmer A. Lewis . . . Washington: Govt. Ptg. Off., 1930. 594 p.

———. *Insular affairs committee*. Philippine Islands, hearings, 71st Congress, 2d session, on H. R. 5182, to provide for independence of Philippine Islands, May 5 and 6, 1930. Washington: Govt. Ptg. Off., 1930. 114 p.

———. *Judiciary committee*. Hearings, 71st congress, 2d session, on H. J. Res. 11, 38, 99, 114, 219, and 246 (joint resolutions to amend the Constitution relative to prohibition) . . . Washington: Govt. Ptg. Off., 1930. 1526 p. (These have been listed in separate parts as they appeared.)

Congress. Senate, Foreign relations committee. Commercial relations with China, hearings before subcommittee, 71st Congress, 2d session, pursuant to S. Res. 256, authorizing examination and study of stipulations relating to commerce in existing treaties of United States and other governments with Republic of China, Aug. 27-Sept. 24, 1930. pt. 2. Washington: Govt. Ptg. Off., 1930. 95-356 p.

Government Printing Office. Foreign relations of United States, list of publications for sale by superintendent of documents, Sept. 1930. (Price list 65, 13th ed.) Washington: Govt. Ptg. Off., 1930. 30 p.

Interior department, Education office. Digest of legislation providing federal subsidies for education (with literature relating to federal subsidies for education) by Ward W. Keesecker. Washington: Govt. Ptg. Off., 1930. 52 p. (Bulletin 8, 1930.)

Justice department, Prohibition bureau. State coöperation, federal and state responsibility under concurrent power; one of a series in factual survey of prohibition enforcement. (Reprint.) Washington: Govt. Ptg. Off., 1930. 64 p.

National commission on Law Observance and Enforcement. Manual for studies of cost of administration of criminal justice in American cities. Revised tentative draft, Oct. 1, 1930. Washington: Govt. Ptg. Off., 1930. 38 p.

State department, International water commission, United States and Mexico. Report of American section of international water commission. (Includes selected classified list of references and sources relating to utilization of lower Colorado River.) Washington: Govt. Ptg. Off., 1930. 492 p. maps.

STATE

COLORADO

Agricultural experiment station, Ft. Collins. Cost of local government in Larimer county, Colorado. By G. S. Klemmedsen. Ft. Collins, 1930. 84 p. (Bull. 361.)

ILLINOIS

Governor. Message to the special session, 56th general assembly . . . May 12, 1930. Springfield, 1930. 5 p.

Revenue investigating commission. Preliminary report . . . Springfield, 1930. 8 p.

KENTUCKY

Governor. Message of Flem D. Sampson, Jan. 14, 1930. Frankfort, 1930. 62 p.

Univ. of Ky., College of commerce. Availability of income taxation in Kentucky, by James W. Martin, director. Lexington, 1930. 24 p. (mimeo.)

MINNESOTA

Secretary of state. Minnesota election laws, 1930 edition. St. Paul, 1930. 272 p.

FOREIGN

AUSTRALIA

International labour organization of the League of Nations: report of the Australian delegate at the 12th conference at Geneva. Canberra, 1930. 30 p.

BENGAL

Political department. Press list of ancient documents *re* provincial council of revenue; ser 2, v. 3, pt. 1, 6 Dec. 1773-28, Dec. 1775. 1930. 325 p.

BRAZIL

Presidente. Mensaje apresentada ao congresso nacional na abertura da primeira da decima quarta legislatura pelo Presidente da Republica. Rio Grande, 1930.

COLOMBIA

Presidente. Mensaje al congreso nacional de 1930. Bogotá, 1930.

CUBA

Presidente. Mensaje al congreso, 7 de Abril de 1930. Habana, 1930.

FRANCE

Ministère de affaires étrangères. Documents diplomatiques français, 1871-1914. v. 1. Paris, 1930.

GERMANY

Reichsarbeitsministerium. Die tarifverträge im Deutschen reich am 1. Januar 1929. Nebst anh.: Die reichstarifverträge am 1. Januar 1930 Berlin, 1930. 11, 20 p. (Sonderh. 55.)

———. *Reichstag.* Verzeichnis der mitglieder des reichstages (5 wahlperiode 1930) und der reichsregierung sowie der bevollmächtigten zum reichsrat Berlin: C. Heyman, 1930. 139 p.

———. *Preussische staatsbibliothek, Berlin.* Deutsche amtliche druckschriften. Erwerbungen d. staatsbibliothek zu Berlin. 1929. Jan.-Dez. Berlin: de Gruyter, 1930. 516 p.

GREAT BRITAIN

House of commons reports and papers. Local legislation, 1929-30. Special report from the select committee, with the proceedings of the committee, and an appendix. London: H. M. S. O., 1930.

———. *Command papers.* Commercial "Modus vivendi." Exchange of notes between his majesty's government in the United Kingdom and the Egyptian government established at Cairo, June 5/7, 1930. London: H. M. S. O., 1930. Cmd. 3662. Treaty ser. 31, 1930.

———. Certain legislation respecting religion in force in the Union of Soviet Socialist Republics. London: H. M. S. O., 1930. Cmd. 3641. Russia no. 2, 1930.

———. General index to treaty series, 1927-1929. London: H. M. S. O., 1930. Cmd. 3639. Treaty ser. no. 27, 1930.

———. International convention on the execution of foreign arbitral awards. Geneva, Sept. 26, 1927. London: H. M. S. O., 1930. Cmd. 3655. Treaty ser. no. 28, 1930.

———. Statement of policy by his majesty's government in the United Kingdom . . . Palestine. London: H. M. S. O., 1930. Cmd. 3692.

———. *Colonial office*. Colonial office conference for 1930. Summary of proceedings. London: H. M. S. O., 1930. 109 p.

———. Appendices to the summary of proceedings. London: H. M. S. O., 1930. 188 p.

———. *Foreign office*. Report by Rt. Hon. A. Henderson, British delegate, 59th session of Council of the League of Nations. London: H. M. S. O., 1930. 24 p.

———. *Indian statutory commission*. Reports and memoranda. London: H. M. S. O., 1930. (In 17 large volumes.)

IRELAND

Treaty of commerce and navigation between the Irish Free State and Germany, 1930.

MEXICO

Comisión de reclamaciones entre México y la Gran Bretaña. Decisiones y opiniones de los comisionados. Mexico, 1930.

———. *Tratados y convenciones vigentes entre los Estados Unidos Mexicanos y otras países*. v. 1. Mexico, 1930.

SAN SALVADOR

Biblioteca nacional. Catálogo de la Biblioteca nacional. v. 1. 1930.

SASKATCHEWAN

Regina. Municipal manual of the City of Regina. Regina, 1930. 147 p.

UNION OF SOUTH AFRICA

Report to the League of Nations Concerning the administration of S. W. Africa, 1929. 1930. 122 p.

INTERNATIONAL

LEAGUE OF NATIONS

Annexes to the supplementary report on the work of the Council and the secretariat to the 11th ordinary session of the Assembly of the League: Ratification of agreements and conventions concluded under the auspices of the League of Nations. 9th list. Geneva, 1930. 91 p. A 6 (a) 1930.

———. Committee of enquiry on the organization of the Secretariat, the International labour office, and the Registry of the permanent court of international justice. (Committee 13.) Report. Geneva, 1930. 63 p. A 16. 1930.

———. *Conference for codification of international law*. Final act. 1930. 26 double pages (French and English) C 228 M 115. 1930.

———. Convention on certain questions relating to the conflict of nationality laws. 14 double pages. (French and English.) C 224 M 111. 1930.

———. Report of first committee on nationality. 12 p. 1930. C 2229. M 116. 1930.

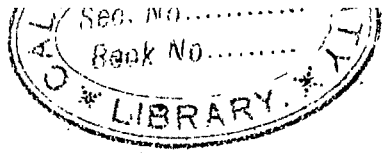
———. Acts of conference for the codification of international law, held at the Hague, Mar. 13-April 12, 1930. v. 1: Plenary meetings. Geneva, 1930. 178 p. (French and English.)

———. Cour permanente de justice internationale. Affaire des zones franches de la Haute-Savoie et du pays de Gex. Leyde, 1930. 3 v.

———. Economic and financial section. Review of the legal aspects of industrial agreements. Geneva, 1930. 95 p.

———. Proceedings of international conference on treatment of foreigners. First session, Paris, Nov. 5-Dec. 5, 1920. Geneva, 1930. 573 p.

———. Report of the work of the League since the last session of the Assembly. Geneva, 1930. A 6. 1930. *Same*: Supplementary report on the work of the League since the 10th session of the Assembly. Geneva, 1930. 48 p. A 6 (a) 1930.



The American Political Science Review

Vol. XXV

MAY, 1931

No. 2

PARLIAMENTARY CONTROL OF EXTERNAL RELATIONS IN THE BRITISH DOMINIONS

A. GORDON DEWEY

Union College

I

The British parliamentary system presumes a working government majority, or else an appeal to the electorate, with the inevitable confusion of issues involved therein. Hence, in studying the conduct of foreign relations throughout the British Commonwealth, little profit is to be gained from analysis of anomalous instances where governments and parliaments are found to have been at variance on external policies. Whatever familiarity with the "checks and balances" tradition may incline us to assume, such cases are no adequate criterion of democratization of control. On the contrary, this is to be found in the degree to which parliaments not merely are called upon to ratify governmental acts and policies, but are taken into the confidence of governments and consulted before decisions are conclusively formulated. In the second place, "external relations" should, in the case of the Dominions, include relations with other members of the Commonwealth, especially the mother country. These still comprise the bulk of their external contacts; and from the standpoint of the problem now under discussion, no actual difference in kind exists between them and truly foreign affairs. Moreover, it is upon the procedural foundation of the one that the principles governing the conduct of the other have been based.

As it happens, the issue of parliamentary control has been

agitated most zealously in connection with representation at the Imperial Conference, the supreme council of the British League of Nations. Although the principles governing the organization, procedure, and powers of the Conference have been recognized for upwards of a generation, the lively apprehensions of nationalists at the resumption of centralizing projects after the war, reinforced by the oppositions' normal itch for power, induced frequent efforts to limit the premiers' discretion at Conference sessions and vindicate the supremacy of the local parliaments. The repudiation by the first British Labor government of the 1923 Conference recommendations regarding imperial preference and the Singapore base evoked protests from Premiers Bruce (Australia) and Smuts. But in the latter instance, General Hertzog countered with the assertion that the premier's attitude made their parliament a mere appendage of the Conference; and Col. Creswell (Labor) moved: "That this House holds that promises made by a government at an Imperial Conference impose no binding obligation on the country or Dominion concerned until ratified by its parliament, and dissents from the contrary view put forward by the prime minister in a public speech at Johannesburg on the 14th December last."¹ So also, in deference to the attitude and influence of the Labor Opposition, Premier Massey offered a similar resolution in the New Zealand House.² Premier Bruce actually submitted the conclusions of the Imperial and Economic Conferences of 1923 to parliamentary ratification,³ which was a distinct innovation. Premier King also, in anticipation of the stand he intended taking at the 1926 Conference, presented for belated ratification the 1923 resolution endorsing devolution in the conduct of negotiations.⁴ So too,

¹ *Journal of the Parliaments of the Empire*, V, 362-374; negatived 61-64 (January 29, 1924).

² "That resolutions passed at Imperial Conferences are only obligatory upon any Dominion of the Empire if and when they are approved by the parliament of that Dominion," *ibid.*, V, 112-118 (July 5, 1924).

³ *Ibid.*, V, 565-591 (March 27, 1924).

⁴ *Ibid.*, VII, 530-549 (June 21, 1926).

parliamentary approval was sought for the report of 1926 in South Africa,⁵ and for the recommendations of 1929 in the Irish Free State.⁶ Nevertheless, these moves were seemingly inspired more by the desire to secure the added weight of local parliamentary endorsement for Conference decisions which the premiers themselves favored than by zeal for the extension of parliamentary control.

Another phase of this attack on the Imperial Conference has been the effort to substitute in its proceedings the principle of delegation for that of representation. The 1921 session was awaited by the nationalist oppositions throughout the Dominions with an anxiety commensurate with the avowed hope of most imperialists that it would frame a constitution for the Empire on federal lines. Hence, Mr. Mackenzie King endeavored to pass a motion specifically restricting in several respects the scope of decisions affecting Canada.⁷ In New Zealand, Mr. Malcolm (Reform) urged that the invitations to the Conference should be addressed to the various parliaments, which would appoint delegates *ad hoc* to forestall usurpation by the premiers;⁸ and Mr. Holland (Labor) moved that representation should be through the high commissioners in Britain, instructed by parliament.⁹ A proposal similar to the latter was made by General Hertzog in South Africa, who expressed the fear that although Premier Smuts could not commit parliament, yet he might in the imperial atmosphere of London compromise himself and his supporters.¹⁰ Premier Hughes assured the Australian House that he asked merely for authorization to renew the Anglo-Japanese alliance on terms that would safeguard the "white Australia" policy, and that no

⁵ *Ibid.*, IX, 472-485 (March 8, 1928).

⁶ *Ibid.*, XI, 485-494 (March 19, 1930). Canada and South Africa followed suit in May, *ibid.*, XI, 652 ff., 782 ff.

⁷ *Ibid.*, II, 545; negatived 96-64 (April 27, 1921). Nevertheless, when premier, Mr. King refused to state beforehand the stand he intended taking on specific issues at the 1923 Conference; *ibid.*, IV, 784.

⁸ *Ibid.*, III, 181 (October 18, 1921).

⁹ *Ibid.*, II, 648-649 (March 17, 1921).

¹⁰ *Ibid.*, II, 671-673 (May 23, 1921).

defense scheme would be accepted without parliamentary sanction.¹¹

Similarly, in anticipation of the 1923 session, a Labor member proposed limitations in the Australian House.¹² In New Zealand, meanwhile, the official opposition's amendment to the Address in Reply included criticisms of the government's failure to consult parliament sufficiently on external relations; but the Labor amendment went further and demanded that their spokesmen go to the Conference as delegates specifically instructed by parliament.¹³ As for the prime ministers and their supporters, they were unanimous in stressing the futility of the Conference and of the sacrifices entailed by attendance at its sessions if their hands were to be tied by parliamentary instructions. An analogous scheme emanating frequently from opposition benches was the inclusion in the Conference membership of representatives of parties other than those in power. Although it implied a marked lessening of the premiers' discretion, it would probably have tended to enhance the influence of the Conference rather than that of the constituent parliaments.¹⁴

Publication of the interchanges among the British governments, especially of Imperial Conference proceedings, is obviously of great interest to the several parliaments. But although the question of publicity has been debated at every Conference session, the existing basis can hardly be termed a satisfactory one. The prevailing secrecy is not merely an ill omen for parliamentary control in actual foreign affairs; from the nature of the relationships involved, it lends itself to peculiarly grave abuses. Inevitably, statements which go beyond the published record, and which at times are hardly reconcilable, are made in the various parliaments; yet verification is

¹¹ *Ibid.*, II, 610, 618 (April 13, 1921).

¹² *Ibid.*, IV, 574 (June 14, 1923).

¹³ *Ibid.*, IV, 861-876 (June 14, 1923); the latter motion was negatived 50-16.

¹⁴ See Mr. MacDonald's interesting proposal and the Dominion premiers' comments thereon (1924), in Cmd. 2301; for recent revivals of the multi-party suggestion, see *Journal*, IX, 459, 466; X, 545, 554; XI, 30.

precluded. Oppositions, at least in the Dominions, are shown by the debates to be chronically in an attitude of speculation as to the course of events, even as to the official attitude of their own governments in Imperial Conferences. Insinuations and retorts, charges and countercharges continually fly, amid sparing for party advantage. Where governments desire to furnish additional information, requests for general consent are in order, first of all to the home government as *primus inter pares*; but apparently a single premier can enjoin the publication of data to which all would seem reasonably entitled. This opens the way for evasions, "alibis," and diffusion of responsibility. Downing Street may even be made to bear the onus of responsibility, and Nationalist capital made of it, when depriving the opposition of ammunition for debate is in the premier's own interest. Conversely, the existence of such a situation may well place a willing premier in an equivocal light.¹⁵

Several factors conspire to hinder improvement in this situation. Chief among them is the vested interest which the governments have in the maintenance of secrecy. It secures the exercise of their own discretion and concentrates power in their hands. Performance of the time-honored function of the opposition presumes something to oppose; yet it is too much to expect the government to furnish more material for criticism than it is obliged to produce. This factor is reinforced by elements in both nationalist and coöperationist policy. Prior to the war, the former had adopted Fabian tactics against the imperialist drive, and hence were averse to offering much data for parliamentary discussion of their attitude.¹⁶ More persistent features are their theory that the relations of the

¹⁵ For striking instances, see *Journal*, III, 345-346, 501; IV, 272, 279, 511; and V, 240; also the acrimonious interchanges in the Canadian House (June 9, 1924) as to the extent to which Premier King had made his position regarding the Lausanne negotiations clear to the 1923 Conference.

¹⁶ Thus the suppression of the record of the 1902 Conference, which in retrospect seems the most critical in the history of the imperial federation movement, was in deference to Laurier's wishes; see Cd. 1723.

Dominions are individually with the home government, and their antipathy to recognizing the existence of problems common to all.¹⁷ From the viewpoint of advocates of coöperation among the British nations, the prospect is little better. The stimulus to diversity in policy and the airing of disagreements implied in the enhancement of control by several separate parliaments is hardly favorable to their aims.¹⁸

II

In turning to consider relations with countries actually foreign,¹⁹ it is perhaps best from the standpoint of convenience to deal with parliamentary control in descending order of its effectiveness, which means to discuss the various steps in the conduct of external affairs in reverse series, beginning with the ratification rather than the initiation of policies. Treaty ratification is the most impressive, if hardly the most adequate, mode of parliamentary participation in the conduct of foreign policy. Although formal parliamentary ratification was not the practice prior to the war, the nature of the treaties at issue was such that a considerable measure of control was exercised

¹⁷ Thus, in replying to a protest at the Canadian parliament's being left in ignorance of the Australian and New Zealand attitudes at the 1909 Defense Conference (those, in the opposition view, strongly reflected on Canadian coöperation in defense), Premier Laurier argued (November 19, 1909) that the arrangements of the several governments with the mother country were independent of one another (Canada, *Commons Debates*, session 1909-10, cols. 206-209). Similarly, when Mr. Meighen (June 13, 1923) inquired regarding a statement in the British House that the Pacific Dominions had strongly urged the coöperative fortification of the Singapore base, Premier King refused to take steps to amplify the published record of the 1923 Conference on this point (*Journal*, IV, 512).

¹⁸ See *Journal*, VI, 225.

¹⁹ Dominion participation in the conduct of "high policy," which is essentially a war and post-war development, has followed the principles established during the preceding period for commercial diplomacy, i.e., devolution of negotiations upon the Dominions, redefinition of Dominion relations to existing treaties, and the insertion in new treaties of clauses providing that the Dominions should not be bound unless they expressly adhered thereto. Of these, the salient examples are, respectively, the Halibut Treaty of 1923 (Canada-U.S.), the Washington Four-Power Treaty superseding the Anglo-Japanese alliance, and Article 9 of the Locarno Pact.

through the necessity of securing legislation to render them effective. In the case of Canada, for instance, parliamentary action was required as a sequel to the Treaty of Washington (1871), and the reciprocity treaties with France (1892-3 and 1907).²⁰ The debate on the bill implementing the International Boundary Waters Treaty of 1909, incidentally, was made the occasion of Mr. Borden's most emphatic plea for the practice of parliamentary ratification. Similarly, the principle having been adopted a half-century ago that Imperial commercial treaties should henceforth include clauses exempting the Dominions unless and until they expressly adhered thereto,²¹ the measures providing for such adhesion frequently involved parliamentary action.²²

The submission of the Versailles treaties to all the Dominions for approval was a precedent which distinctly enhanced the importance not only of the Dominions but of their parliaments as well. It was also a personal triumph for Sir Robert Borden. During his long term as leader of the opposition in Canada he had contended strenuously for this principle—notably in connection with the Alaska Boundary Convention in 1903²³ and the International Boundary Waters Treaty of 1909²⁴—against a premier who adhered strictly to the traditional exercise of the prerogative in such matters. In the latter case, his argument was strengthened by the fact that since the treaty had been before the American Senate, it had become a matter of public discussion in Canada from press reports before Canada's own parliament had seen it or could take official cognizance of it, which (he claimed) put her in a ridiculous light.²⁵ In office he maintained his contention, this

²⁰ Porritt, *Fiscal and Diplomatic Freedom of the British Overseas Dominions*, p. 207.

²¹ C. 7553, pp. 5-6, 69; Keith, *Responsible Government* (2nd ed.), pp. 848-853.

²² E.g., Canadian acts of January, 1907, bringing the Dominion within the scope of the Anglo-Japanese treaty of 1894; Canada, *Commons Debates* (1906-7), cols. 1546-53; *Sessional Papers* (1907-8), no. 74b.

²³ Canada, *Commons Debates* (1903), col. 14802.

²⁴ *Ibid.* (1909), cols. 633ff.; (1909-10), cols. 37, 6647ff.; (1910-11), cols. 9128ff.

²⁵ *Ibid.* (1909), cols. 550, 633ff. Objection by the United States appears to

time in vindication of Dominion rights against the home government, and successfully.²⁶ Throughout the discussions, the issues of Dominion and parliamentary control were so intermingled that it is not clear whether the desire to embarrass the opposition or to avoid raising thorny problems of Imperial relationships was the stronger motive in Sir Wilfrid Laurier's conservative attitude on the matter. So, too, the Liberal opposition in Canada and the nationalists in South Africa deprecated submission of the peace treaties to Dominion ratification, partly because it was a government proposal, though mainly because they eschewed the formal acceptance of external obligations.²⁷

Since the war, the Versailles precedent has determined the general practice regarding treaty ratification, although mere cabinet action has been resorted to in several cases held to be of minor importance or only remotely affecting the Dominion, especially if its parliament did not happen at the time to be in session.²⁸ Thus the principle is recognized that Domin-

have been a factor in preventing submission to the Canadian House; see *Canadian Annual Review* (1909), pp. 29-30.

²⁶ His demand that the peace treaties be made subject to ratification by the Dominion parliaments was in terms identical with that made during a debate on the Boundary Waters Treaty: "Such approval should be obtained in the case of treaties imposing any burden on the people, or involving any change in the law of the land, or requiring legislative action to make them effective, or affecting the free exercise of the legislative power, or affecting territorial rights." Canada, *Sessional Papers* (1919 special session), no 41j, pp. 10-13; cf. *Debates* (1909-10), cols. 6647ff.

²⁷ *Journal*, I, 87-105, 193-220, 322-327, 384-387, 464-469, 540-554, 741-743.

²⁸ Thus the treaty with Czechoslovakia was assented to in respect of Canada by order in council (*Journal*, I, 465), as was also the Franco-Canadian commercial treaty of 1921 (*ibid.*, II, 346); while the Italian trade convention of 1923 was submitted to parliament (*ibid.*, IV, 814). In defending his course regarding the Chanak affair, Premier King made much of the contention that the Canadian parliament had never ratified the Sèvres treaty, but had merely passed an enabling act upon which the government had taken no action (*Can. Ann. Rev.*, 1922, p. 185). As regards certain League protocols approved in 1922, the premier stated that they were submitted for ratification because parliament was then in session (III, 568). In South Africa, General Hertzog opposed the grant of powers to the government in the Treaties of Peace Act, 1921, on the ground that the peace treaties with Austria, Hungary, Turkey, and Bulgaria had not been submitted to parlia-

ion governments may not incur positive obligations of any importance without parliamentary sanction,²⁹ so that control in this phase of external relations is fairly well established.³⁰ There is another aspect of the problem, however, which appears to be of equal significance, and yet to have escaped the attention it deserves. What of the numerous cases in which the decision of the government is in the negative and it declines to submit for parliamentary consideration projects of which it disapproves? Such cases during recent years have involved some of the most momentous issues of Britannic history—for instance, the attitude of Canada during the Chanak and Lausanne episodes, the rejection of the Geneva Protocol, and the Dominions' failure to adhere to the Locarno Pact—on none of which have definite pronouncements by the parliaments been recorded.

The Chanak affair offers an excellent illustration of the difficulties and possibilities of parliamentary control in a crisis. The incidents occurred over a week-end. The situation appeared to call for immediate and decisive action. Premier Lloyd George cabled the Dominion governments (Friday, September 15, 1922) informing them of the course intended and asking whether they desired to associate themselves with it through the dispatch of contingents.³¹ General Smuts was away

ment; this omission was defended on the plea that parliament was not then in session (*ibid.*, II, 906-908).

²⁹ Although senatorial ratification is generally secured, it should be noted that governments consider themselves amenable only to the lower house. The plea that the approval is by parliament, necessarily implying action by both houses, has been unsuccessfully advanced in the House of Lords and the South African Senate; *Journal*, X, 384-390; XI, 255, 451-452. Cf. discussion in Canadian Senate, *ibid.*, XI, 347-350.

³⁰ In fact, members of the present Canadian government maintained, while in opposition, that when legislation is required to implement a treaty, actual enactment of such legislation should precede the final act of ratification (*ibid.*, X, 847-851).

³¹ This appeal was intended primarily for Australia and New Zealand, which had a special interest in the Straits, but was sent *pro forma* to Canada and South Africa as well. For the data and debates on the episode, see *Journal*, IV, 94-104, 138-145, 268-283, 586-593, 619-621; *Can. Ann. Rev.* (1922), pp. 174-89; also Mr. J. S. Ewart's characteristic discussion, *Canada and British Wars*.

in Zululand, and did not hear of the emergency until it had passed; Premier King, too, was absent from Ottawa until the following day. The Australian and New Zealand parliaments happened to be in session, but that of Canada was prorogued from June 27 to January 31. Premier Massey and some colleagues, who were attending a public function when the cable arrived late Saturday evening,³² held a cabinet meeting on the spot, and sent an affirmative answer within the hour. Premier Hughes was almost equally prompt. Premier King consulted his cabinet on Monday and issued a statement to the press that "it is the view of the government that public opinion in Canada³³ would demand authorization on the part of parliament as a necessary preliminary to the despatch of any contingent." He communicated this attitude to the home government, with an inquiry (answered in the negative) whether the summoning of a special session seemed urgent.

Thus, despite the invocation of his favorite formula,³⁴ Mr. King's decision, like the positive ones in Australia and New Zealand, was rendered on the sole authority of the cabinet. In the latter cases, the action was at once submitted to the verdict of parliament; but in Canada there was no opportunity to pronounce upon the issue until the belated discussion of it during the debate on the Address in February. In both houses in Australia, the premier's action was criticized by the opposition (Labor) on the score of insufficiency of data in his statement to parliament and undue exercise of authority. In New

³² New Zealand time.

³³ For a résumé of opinion and spontaneous offers of enlistment, see *Can. Ann. Rev.* (1922), pp. 181-184.

³⁴ Briefly, Sir Wilfrid Laurier's general assertion of Dominion autonomy in external as in domestic affairs (eventually embodied in the Balfour report of 1926) was circumscribed by the late Canadian government to a specific vindication of parliamentary control in foreign relations—against the exercise of discretion by the cabinet on the one hand and popular referenda on the other—and became a stereotyped formula to be invoked whenever external obligations threatened. It constitutes the salient example of a confusion between constitutional questions wholly internal to each Dominion and those involving relationships with the mother country which has continually beset the controversy over Dominion status. See the present writer's *Dominions and Diplomacy*, index under "Laurier policy."

Zealand, the Labor opposition answered Premier Massey's resolution approving his course with one of censure on grounds similar to those alleged in Australia.³⁵ In Canada, by way of contrast, the Conservative opposition launched tirades at the government's inaction in the crisis and its futile hope of evading international responsibilities. In all three cases, as usual, the issue of parliamentary control was not clear-cut, but merged with that of Imperial coöperation.

The Near East crisis exemplifies a case in which the exercise of cabinet discretion seems imperative but the earliest opportunity of invoking parliamentary sanction should be utilized. In the other instances cited, however, the emergency feature was not present, basic lines of policy for the future were involved, and a good case for consultation with parliament, even while decisions were in process of formulation, could certainly be argued.³⁶ Yet in connection with the Lausanne Conference, for instance, Premier King's government conducted a series of interchanges over a long period with two British administrations, all seemingly directed toward the establishment of a definite relation to the settlement, and culminating in their refusal to recommend the treaty to parliament for ratification. The antecedents, as well as the *coup d'état* itself, which for the time being relegated Canada to the pre-war status of being bound by a treaty in the actual negotiation of which she had not even been consulted (obviously a most serious issue of policy), were carried through without reference to parliament.³⁷ It is a matter of record, also, that the Geneva Protocol was not laid before any of the parliaments, but was rejected in

³⁵ Negatived 67-10.

³⁶ For instance, the first MacDonald government, instead of ignoring the imperial preference resolutions of the 1923 Economic Conference held under the auspices of their predecessors, took the ground that they should be submitted to parliament for such action as that body might determine (*Journal*, V, 6, 10, 198). For the significant extension of parliamentary control over foreign policy during this administration, and its prompt repudiation by their successors, see *ibid.*, V, 229; VI, 28-29, 223-226; *Annual Register* (1925), p. 29.

³⁷ This whole episode is somewhat tortuous, but lack of space precludes discussion here. See the correspondence (unfortunately incomplete) in Cmd. 2146, and the Canadian debate of June 9, 1924. For criticisms, see Corbett and Smith, *Canada and*

each case on the sole authority of the government.³⁸ The same holds true of the decisions of the Dominions not to adhere to the Locarno Pact, save that in this case the attitudes of their governments were not signified until the issue had been discussed in the Imperial Conference of 1926.

The right of parliament to pass upon the policies involved in such cases as have just been cited would seem as defensible, as essential even, as in those where affirmative action is now required. True, it has long been the practice for premiers on their return from Imperial Conference sessions to render parliament a report of their mission, which is then debated; and a similar procedure is becoming customary in the case of major episodes in foreign relations.³⁹ Nevertheless, the control which this seems to establish is mainly illusory. At best, it is *ex post facto*, hence merely punitive; nor is it effective against a recalcitrant government. If parliament is not in session, matters must wait. There is, of course, the inevitable debate on the

World Politics, pp. 94-98, and the present writer's *Dominions and Diplomacy*, Vol. II, pp. 147-166. See also footnote *supra* on the King formula.

³⁸ This serious consideration did not escape the attention of the oppositions. In Canada, the veteran senator, Sir George E. Foster, in a scathing denunciation, noted that parliament had been in session for more than a month prior to the rejection. In Australia, the leaders of both oppositions (ex-Premier Hughes and Mr. Charlton), divided though they were on the issue itself, maintained that parliament should have been specially summoned to pass upon it (*Journal*, VI, 318-322, 536-537).

³⁹ Action on the Geneva Protocol, for instance, may be summarized as follows. The rejection by the British government on behalf of the Commonwealth was announced to the League Council March 12, 1925, and debated in the Commons March 24. The Canadian decision for rejection was despatched to London March 4; the papers brought down and the issue debated March 12. The Australian decision was signified March 5, noted in the governor-general's speech June 10, and debate was resumed on submission of the League delegates' report August 14. The New Zealand government advised Downing Street of its position in a memorandum of January 6, 1925, but (owing to the fatal illness of the premier) parliamentary consideration was postponed until the simultaneous debate on the Locarno Pact September 28. A statement on the South African rejection was made in the House by Premier Hertzog during the debate on the estimates May 6. The Free State government does not appear to have informed Downing Street of its attitude until after a statement in the Dáil by the minister of external affairs on May 13. Cmd. 2458 and *Journal*, VI, *passim*.

Address at the opening of the succeeding session. This is the occasion, however, of omnibus, desultory, and frequently irresponsible criticism; and in any case, besides being confused with a hodge-podge of other issues, such discussion of the foreign problem is normally too belated for effective action thereon. Even after the episode is seemingly closed, the pleas of public interest or the unwillingness of other governments to permit publication may be invoked to postpone parliamentary consideration. It is in connection with these cases of negative decisions upon crucial issues that the abuses of continued secrecy regarding interchanges among the British governments are most patent and least excusable. True, in each instance the action taken seems eventually to have won fairly general endorsement in the respective countries. It is equally true, however, that at the time the opposition case went more or less by default, that had there been adequate discussion before the final decision was rendered, the implications of alternative courses would have been more clearly set forth, and at least the educative effect upon governments, parliaments, and electorates would have been salutary.

These considerations apply just as forcibly to the problem of the extent to which governments should take parliaments into their confidence before action or policies is finally determined. The most definite and sweeping assertion of parliamentary control in this respect has been made by the Irish Free State. Article 49 of the Free State constitution, it will be recalled, stipulates that, save in case of actual invasion, the country shall not be committed to active participation in war except by the assent of parliament—an injunction which under a parliamentary system would seem to imply a considerably greater degree of antecedent control by the legislative body than does the corresponding provision in the American constitution. To remove any doubts in this regard, the constitutional requirement has been supplemented by a resolution introduced by the leader of the opposition, concurred in during the debate by the leaders of the government parties, and assented to by the Dáil on February 5, 1926. This affirms that the Dáil should be

kept informed, by ministerial statements and by publication of relevant documents, as to important developments in foreign affairs in which the Irish Free State is, or may be, concerned through membership in the League of Nations or British Commonwealth.⁴⁰

Probably no definite principles can be laid down as to the desirable or practicable extent of antecedent parliamentary control over external policies. Although "open diplomacy" has of recent years become a fetich in many quarters, it is nevertheless a procedural issue which does not solve the real problem of rendering underlying interests and motives articulate. Moreover, despite the vital concern of the populace in the outcome, foreign affairs is the sphere of governmental activity in which the interest and comprehension of legislators (to say nothing of electorates) is perhaps least apparent—a basic reason why in this sphere the area of effective control tends to be most concentrated. Concentration of responsibility is essential; in any case, it is necessary to provide for crises calling for the exercise of governmental discretion in anticipation of parliamentary authorization. Furthermore, it is too much to expect that parliaments can participate actively in pending negotiations, or that governments will jeopardize their undertakings by giving publicity to the details of their projects before achieving them. Indeed, if the "national interest" were not still a vital factor, the presence of oppositions even more piratical than the governments would impose a large measure of secrecy if any policies at all are to be brought to fruition.

Notwithstanding all these considerations, there should surely remain an ample field for parliamentary control in the discussion of the various factors in a situation, the weighing of alternative modes of settlement, the laying down of general lines of policy for the guidance of the governments. Granted that the day-to-day application of foreign, as of any other, policies should remain in the hands of the governments, it does

⁴⁰ *Journal*, VII, 392-401.

not appear by what logic they should have a monopoly of the formulation of policies in this regard, any more than in purely domestic matters.⁴¹ Already as regards two fields of vital importance to the Dominions—the implications of the Imperial connection and of League membership—there have been so many opportunities for discussion, and such ardent debates, that one may draw some inferences as to the conditions of their effectiveness. The constitutional principles embodied in the Balfour report of 1926 and in those of the two most recent Conferences, also the coöperationist-isolationist alignment in foreign affairs, have been worked out through many years of controversy. One may follow the development of a somewhat confused background of conflicting viewpoints and relate governmental action thereto. That the results have not been more tangible heretofore must be attributed to the complexity of the issues and the inadequacy of the participants. On the whole, the conclusions which the governments have drawn have been as to the limits which they might not overstep, rather than as to the positive moves that they should make.

For instance, all must now be “autonomists,” and vie in the glorification of “Dominion status.” But the implications of that status are so vague that governments have a fairly free hand in interpreting them. Whether the measures contemplated tend to integration or to decentralization, to active co-operation among the British nations and with the League or to isolation—whether they be the policies of Borden and Smuts or of Mackenzie King and Hertzog—all are justified as inevitable next steps in the enhancement of Dominion prestige. In fact, the whole evolution of Dominion relationships to the Commonwealth and to foreign nations has been characterized by the exercise of a surprising degree of discretion on the part

⁴¹ For instance, the major issue of resuming diplomatic relations with the Soviet Union was several times discussed in the British Parliament following the accession of the present Labor government, and Premier MacDonald promised “that any conclusion that His Majesty’s government may come to regarding recognition cannot become effective until it has been debated in this House;” *ibid.*, X, 790 (July 11, 1929). Cf. debates of November 5 and December 18, *ibid.*, XI, 8-15.

of the governments. The great precedents in external relations have, in general, been created by the governments on their own initiative, unavailingly denounced or depreciated by the oppositions, and merely acquiesced in by parliaments and electorates. As a rule, the innovations were arranged by correspondence with the home government or by conference (although for a time, recently, recourse to the ultimatum method became strikingly frequent), and were reported back to the parliaments as *faits accomplis*. Opinion was too divided to permit of action more tangible than rhetoric, under the circumstances; and in most of the cases it is quite conceivable (in some of them it is certain) that under other leadership a diametrically opposite policy might have been pursued with equal success.

The circumstances under which these precedents were adopted may be noted briefly. Sir Wilfrid Laurier authorized the sending of a Canadian expeditionary force to the South African War in anticipation of parliamentary sanction, but with great hesitancy and in deference to strenuous popular demand.⁴² Again in 1907, on his own initiative, he secured the addition of the Canadian emissary's signature to a commercial treaty with France,⁴³ and dispatched Hon. Rodolphe Lemieux to Tokio to negotiate a "gentleman's agreement" on the immigration issue.⁴⁴ There were several inconclusive precedents for the former, and a declaration by Laurier in 1903 which pointed in that direction;⁴⁵ but the latter was unquestionably a serious step toward independent Dominion diplomacy—so much so that, when challenged in the House, Laurier carefully avoided any precise explanation of the envoy's status. Less conspicuous, but more serious, were the precedents created by his nega-

⁴² See Canada, *Commons Debates* (1900), cols. 10-136, 1793-1876; (1901), cols. 1290-1366; and *Can. Ann. Rev.* (1902).

⁴³ For discussions of this move, see Canada, *Commons Debates* (1907-8), cols. 3493ff., 3636ff., 4317ff.

⁴⁴ *Ibid.*, cols. 1585ff.; *Can. Ann. Rev.* (1907), pp. 380-98.

⁴⁵ Canada, *Commons Debates* (1903), col. 14817; during the post mortem on the Alaska boundary award.

tive responses to imperialist overtures; for by these he gave an interpretation to his policy of "local autonomy," of which the report of 1926 was the logical culmination. In contrast, Sir Robert Borden's acceptance of Canadian representation on the Committee of Imperial Defense, and later of membership in the Imperial War Cabinet—like his insistence on Dominion ratification of the peace treaties—was in pursuance of specific declarations of policy while in opposition.⁴⁶ But the negotiations leading to the separate status given the Dominions at the Peace Conference were carried through on his own and his colleagues' responsibility.⁴⁷ Nor were the other premiers who joined him in these developments armed with specific expressions of parliamentary opinion.⁴⁸ The crucial features of Dominion external status were evolved without this assistance. Acceptance of the mandates, however, had a solid background of Dominion expansionism.⁴⁹

General Smuts' insistence that the Dominions be accorded specific invitations to the Washington Arms Conference was quite in keeping with the political situation in South Africa. Though somewhat in advance of the Paris precedent, it had been discussed in principle during the ratification debates, and was endorsed by all the premiers save Mr. Massey.⁵⁰ The Halibut Treaty precedent, i.e., the refusal to allow Sir Auckland Geddes to sign in addition to the Canadian plenipotentiary—the most daring breach of Imperial diplomatic unity thus far—was apparently a *coup d'état* engineered through an unexpected dispatch to the Colonial Office and British ambassador on February 28, 1923, when the adjournment of the

⁴⁶ See Keith, *Selected Speeches and Documents*, Vol. II, pp. 310-312.

⁴⁷ Canada, *Sessional Papers* (1919 special session), no. 41j; *Can. Ann. Rev.* (1919), pp. 70-86.

⁴⁸ See comment in *Round Table*, VIII, 207-208; IX, 603-604, 610, 818-819; X, 183-184.

⁴⁹ For the earlier phase, see 1907 Conference *Proceedings*, Od. 3523, pp. 548-563; on the German colonies issue, see *Can. Ann. Rev.* (1916), pp. 160, 183 (1918), pp. 168-169; *Round Table*, IX (articles from Australia and New Zealand, *passim*).

⁵⁰ *Journal*, III, 877, 881, 907-908; IV, 590-591; *Can. Ann. Rev.* (1921), pp. 79-80, 116.

United States Senate was already imminent.⁵¹ This step evoked varied expressions of opinion in all parliaments. It, and probably also the Canadian government's attitude toward the Lausanne treaties, was the basis of the 1923 Imperial Conference resolution which so thoroughly decentralized the conduct of negotiations.⁵² The principle of optional adhesion embodied for the Dominions in Article 9 of the Locarno Pact represents the application to political treaties of a practice long established as regards Imperial commercial treaties. In no Dominion, however, was there adequate discussion of invoking it in this case, the premiers merely informing their parliaments that the negotiations were proceeding, on the assumption that it would be adopted.⁵³ Canadian diplomatic representation at Washington was debated in principle for many years.⁵⁴ It was authorized under Conservative and established under Liberal auspices; yet the actual basis of representation, which differed radically in the two cases,⁵⁵ had not been a subject of antecedent parliamentary discussion. The action of the Canadian government in the case of the U.S.S.R. (March 24, 1924), by which the Dominion right of independently recognizing foreign governments was as-

⁵¹ Canada, *Sessional Papers* (1923), no. 111a; *Journal*, IV, 300-303, 801-814; Lowell and Hall, *British Commonwealth*, pp. 639-645.

⁵² Cmd. 1987, pp. 13-15; Corbett and Smith, *op. cit.*, Appendix I. It would be difficult to find any parliamentary mandate for this pronouncement.

⁵³ *Journal*, VI, 519, 723; VII 152, 328-329.

⁵⁴ Yet the actual announcement in 1920 came as a surprise; the premier declined to present the papers; and a motion for delay pending further information was lost by only five votes. *Ibid.*, I, 476ff.

⁵⁵ Compare the basis announced May 10, 1920 (*ibid.*, 476-477), with that of the Free State ministry (Cmd. 2202), or Mr. Massey's letter of credence (Corbett and Smith, *op. cit.*, Appendix IV). The Free State principle actually adopted by Canada is that of a distinct legation; hence is applicable to all Dominions and any foreign capital. The Canadian Conservative proposal was intended to meet the special needs of Canada in Washington only; the minister, though responsible to his own government, would have been a member of the British embassy, acting *vice* the ambassador in the latter's absence. This peculiar arrangement was designed to preserve Imperial diplomatic unity, while the other implies complete decentralization.

serted, followed the evasion of a question upon the subject in the House four days previously.⁵⁶ So also another important precedent, the acceptance by Canada in 1927 of a non-permanent seat on the League Council, was without prior consultation of parliament.⁵⁷

Thus, none of these precedents (in the creation of which, it will be noted, Canada has played the predominant rôle) were the sequels of specific consultation with parliament, even where they were the logical results of declared policies, or at least where parliamentary viewpoints had been broadly expressed; and some of them were simply bolts from the blue. The same, in general, holds true of the other major episodes in Dominion foreign relations. The reciprocity issue (1910-11) was exhaustively debated in Canada, and two definite policies were aligned.⁵⁸ The renewal of the Anglo-Japanese alliance was specifically argued in all parliaments during 1921.⁵⁹ In Australia and New Zealand, the debates offer a striking instance of prior consultation with parliament; but in Canada, there was much less discussion and elucidation of official viewpoints than the influence which that Dominion was bound to exert on the outcome would seem to have demanded.⁶⁰ The same is true regarding the Singapore naval base, so consistently agitated in the Pacific Dominions.⁶¹ Noteworthy among specific antecedent debates more recently have been those in Canada on the Tokio legation,⁶² acceptance of the optional clause of the World Court Statute,⁶³ the St. Law-

⁵⁶ *Ibid.*, V, 341, 747.

⁵⁷ See Toynbee, *Conduct of British Empire Foreign Relations*, p. 60; and for the implications, Corbett and Smith, *op. cit.*, pp. 125-129.

⁵⁸ See *Canadian Annual Review* for these years; and for background, *Industrial Canada*, organ of the Canadian Manufacturers' Association.

⁵⁹ *Journal*, II, 537ff., 609ff., 635ff., 856ff.; III 89ff., 149ff., 556. The principle embodied in the Four-Power Pact was broached in several of these discussions.

⁶⁰ See adverse comment in *Round Table*, XI, 910-913.

⁶¹ E.g., *Journal*, IV, 512; V, 345.

⁶² In supply (June 11, 1928); *ibid.*, IX, 660-666.

⁶³ On private members' motions (April 11, 1928 and 1929); *ibid.*, 667-668, X, 596-600.

rence waterway project⁶⁴ and the Chicago drainage canal issue,⁶⁵ and in the Free State on the Peace Pact;⁶⁶ but these were not held on government initiative. There is a general background of discussion for such questions as disarmament and the renunciation of war. As regards three of the principal recent issues—the Anglo-Egyptian treaty, resumption of diplomatic relations with Soviet Russia, and acceptance of the Optional Clause—the problem of parliamentary control was complicated by the desire to reach a consensus of all the British governments before any public commitments were made. Hence, despite volleys of questions, the parliaments were kept virtually uninformed as to what was actually transpiring.⁶⁷

The cases in which parliaments have been kept in the dark as to important developments have been numerous and serious. Needless to say, the instances cited thus far of defective parliamentary control in other respects also exemplify lack of prior consultation on the part of the governments. The striking extent to which oppositions rely on press reports as starting-points for debate is an index of the general situation. In fact, their normal state seems to be one of genuine apprehension of unforewarned developments. Mr. Meighen evidently feared Canadian acceptance of the Geneva Protocol when he criticized omission of any reference to the issue from the governor-general's speech at the opening of the session.⁶⁸ In New

⁶⁴ On a private member's motions (April 11, 1928 and February 21, 1929); *ibid.*, X, 46-50, 324-327.

⁶⁵ On a motion for papers (February 16, 1928); *ibid.*, IX, 406-409.

⁶⁶ On De Valera's motion for adjournment (May 31, 1928); *ibid.*, 765-768.

⁶⁷ For instance, claiming that parliament was wholly in the dark as to the government's intentions, and also in the belief that by their insistence on reservations Australia and New Zealand were blocking acceptance of the Optional Clause by the British nations, Mr. Holland forced the issue on a motion for adjournment in the New Zealand House (September 19, 1929). While Premier Ward was pleading the bar of secrecy upon him, the evening papers announcing signature arrived in the House, *ibid.*, XI, 411-414.

⁶⁸ *Ibid.*, VI, 304-306 (February 9, 1925). The premier's reply was that, as the issue was still pending, no reference had been made to it in the Speech—an excellent illustration of the contrasting status of domestic and external government projects in relation to parliament.

Zealand, Mr. Holland (Labor) realizing the partisan factors involved, anticipated that just as the Protocol had been rejected, so the competing principle of the Locarno Pact would be accepted—without reference to parliament.⁶⁹ Senator Sir George Foster was plainly worried by rumors that the Canadian government had been approached regarding membership in the Pan-American Union, and in moving for any correspondence in the matter, gave warning of the grave implications that such a new departure would entail.⁷⁰ A fortnight before prorogation in 1922, and without consulting parliament, Premier King departed for Washington to attend to various negotiations, including (so a press interview stated) that of a Canadian substitute for the Rush-Bagot Convention.⁷¹ The device of postponing action until after the close of the legislative session is familiar in the Dominions as in the United States,⁷² and the parliamentary system can lend itself to a distribution of business which leaves insufficient time for discussion of external affairs.⁷³

III

Probably the most striking feature that appears on the face of this record of practices in the Dominions is the relatively far greater measure of discretion assumed by the governments in the conduct of external affairs than is accorded them

⁶⁹ *Ibid.*, 848 (July 1, 1925); VII, 864 (June 23, 1926).

⁷⁰ *Ibid.*, VIII, 579-581 (March 11, 1927).

⁷¹ *Ibid.*, IV, 284-285; *Can. Ann. Rev.* (1922), pp. 96-98.

⁷² E.g., Laurier's reply to Colonial Secretary Lyttelton's imperial federation proposal in 1905 (Cd. 2785, no. 14), and King's to the first MacDonald government's suggestion of a conference on Imperial foreign relations in 1924 (Cmd. 2301, no. 3, and *Journal*, V, 749).

⁷³ E.g., South Africa: Dr. Malan's protest (June 23, 1923) that the discussion of the forthcoming Imperial Conference which he had demanded had been left until the last day of the session (*Journal*, IV, 900). Canada: J. S. Woodsworth's complaint (March 22, 1926) that in the previous session the promised discussion of foreign relations had been postponed until after midnight on the final sitting (*ibid.*, VII, 777-778). New Zealand: protest of leaders of both oppositions (December 3, 1927) that the debate on the 1926 Conference findings had been so long delayed (*ibid.*, IX, 459, 464).

in domestic matters. There has been an obvious difference in the status of the two types of issues. In consequence, the evolution of the constitutional status and international relationships of the Dominions has, on the whole, been distinctly the work of the governments, not the parliaments. It is true that, on more leisurely analysis of this evolution, one is also impressed with the steady and effective, if less palpable, conditioning of governmental action by parliamentary criticism. Yet one need not be an evangelical protagonist of democracy to disparage a situation which has permitted the rendering of some of the most fateful decisions in the history of the Dominions with an arbitrariness that would be politically reckless in the case of tariff or transportation issues. As for the theory that the conduct of foreign relations belongs inherently to the executive—which clearly has been an important factor in the acceptance of this situation—that would seem to be a relic of a dynastic era which lost whatever theoretical plausibility it had with the passing of the institutional basis from which it was deduced, and which cannot hold water amid the complexity and interdependence of modern society and the ramifications of our major political issues. Instead of being a matter of logical distinction, the real question is that of the extent to which practical obstacles hinder the assimilation of parliamentary control in external to that in internal relationships. Actually, it is but a phase of the wider problem of the limitations of representative government.

Noteworthy among these practical hindrances is the fact that the level of parliamentary debate on external affairs has been, in general, much lower in the Dominions than in either British house—less informed, too, than on domestic issues. Never in any parliament, it seems, has there been any considerable body of members qualified to bring constructive criticism to bear on governmental action. The result was inevitable. Allied to this has been the conflict and confusion of opinion upon each episode as it arose, the complexity of the issues, and the preponderance, politically, of domestic concerns—factors well exploited by the governments, but none of them apparently ir-

remediable. Indeed, a change for the better seems already under way. While the controversy over Dominion status within the Commonwealth was boiling, parliamentary interest in Dominion external affairs increased markedly. But, owing to the prevailing obscurity in both the intra-imperial and international situations, it proved too inchoate to impose very effective limitations on cabinet discretion—with the results already indicated. More recent developments, however, have tended to lessen this obscurity, and so to enhance the significance of debate. Unquestionably, the principles laid down in the constitutional settlement of 1926 have done much to clarify the intra-imperial aspect of Dominion relationships.⁷⁴ They have afforded standards for criticism of governmental action not previously available. So too, international problems have at least become more concrete and amenable to parliamentary discussion; while at the same time, not merely the fact that a *modus vivendi* within the Commonwealth has been reached, but the actual basis fixed, seems calculated to divert attention to and enhance interest in Dominion foreign affairs. For these reasons, parliamentary pressure upon governments should henceforth be more discerning and effective.

The character of the discussions themselves appears to justify these inferences. The relative attention given foreign relations in the more formal proceedings, as well as in the debates on the Address and in the question hour, has been gaining steadily. There also seems to be less irrelevant apostrophe to nationalism and "equal status," and more serious consideration of how foreign countries stand on issues affecting the Dominions. There has been a correlative change in the attitude of the governments. In the light of what, before the war, were radical contentions, or mere sporadic protests from the opposition, there has been a noteworthy, if gradual, ex-

⁷⁴ The effect of the Balfour memorandum from the strictly legal standpoint is, however, another matter. (Cf. Keith, *Sovereignty of the British Dominions*). The word "settlement" is here used advisedly, despite the seeming intensification of constitutional discussion during the ensuing years. The latter has been concentrated on very concrete issues, i.e., the corollaries still to be worked out; whereas the earlier controversy was over vaguer, yet more fundamental, general principles.

tension of parliamentary participation in foreign affairs. Within the past few years, the theory that external relations should be a government monopoly has been definitely abandoned; and apparently the view that internal and external affairs should be on different planes as regards parliament is fast disintegrating. Certainly the governments, in place of their erstwhile frank aloofness,⁷⁵ are now careful to appear desirous of taking the parliaments into their confidence.⁷⁶ This latter, and the fact that demands for discussion of pending issues have become so usual, would seem to indicate an atmosphere favorable to the development of a convention requiring consultation prior to decision. Limitations on the freedom of governments to create precedents at their own discretion in the future appear to be accumulating.

Needless to say, the chief factor in this progress has not been governmental initiative. Nor has it been the vindication of any academic doctrine, although no doubt the popular derogation of "secret diplomacy" and the fillip to democratic theory in Europe following the war played their part. It represents the cumulative effect of many protests from the "outs;" it is a tribute to the real effectiveness of opposition insistence. The utility of private members' questions and motions for papers can hardly be appraised statistically. As in judging the political significance of judicial review in this country, the importance of some negative decisions may outweigh even habitual complacency toward the legislature. Governments seldom hesitate to plead the public interest, or the intransigence of other governments, in face of really embarrassing inquiries. Nevertheless, from a study of the circumstances under which the various parliamentary discussions

⁷⁵ Notably under Laurier in Canada, Hughes in Australia, and Massey in New Zealand.

⁷⁶ Perhaps the most striking modification was in Australia under Bruce (e.g., his voluntary statements to the House on the Anglo-Egyptian treaty, March 8, 1928, and August 22, 1929, and on the Peace Pact, May 15 and June 1, 1928). But in Canada also, as the King government became more firmly seated and the issue of constitutional status untangled itself (and probably also owing to parliamentary criticism of the arbitrary course pursued in 1922-24), a change was observable.

have arisen, the present writer inclines to think that the value of these devices is much greater than is usually supposed. Opposition questions have evoked probably as many important statements of policy and pledges to parliament as have the inspired queries from the government side. Motions for papers appear to have afforded excellent opportunities for criticism and advice, or the elucidation of conflicting viewpoints, before governments have definitely committed themselves. The ultimate importance of debates on motions for adjournment is by no means negligible.

This does not imply that opposition influence can be traced immediately on the face of the record. Apparently, its chief effectiveness can be inferred only from the conduct of the governments themselves; for Dominion politics has been relatively stable, and governments have a habit of remaining long in office. Contemporary critics of the British parliamentary system probably err in underestimating this indirect opposition influence. It is usual to stress the rigidity of party lines in legislatures, and to reiterate that debates do not affect votes. True, if the sole aim of parliamentary activity were to augment or obliterate government majorities, then the talk might well be dispensed with, along with the theory that their modes of reaching decisions are less esoteric than those of an independently elected chief executive. But surely there is a broader and more useful purpose than can be measured immediately on the division lists. There is the elucidation of issues through discussion, the expression of diverse points of view, the representation of interests other than those actually in the saddle—the offering, in short, of a wide variety of instruction to the government which has an undoubted if imponderable influence in shaping policies, and is a really vital element in representative democracy.”

” Herein lies ample justification for the “academic debate”—which is commonly resorted to several times in a session in Canada, but less frequently in the other Dominions—and probably also the explanation of why it attracts the serious attention of parliamentary leaders, including premiers and leaders of the opposition. It affords excellent opportunity for the analysis of issues (the more so because

The situation in the Dominion parliaments, then, is that if a member has anything pertinent to say upon external policies, he need not lack opportunity during the session of expressing himself; but whether his observations will actually affect governmental action is another matter. Thus, in view of the measure of clarification in the general situation, the growing interest in and comprehension of external problems, and the changed attitude of the governments, the prospect indicates increased parliamentary activity in the formulation of general lines of policy. As regards specific pending issues, however, the information at the disposal of the members is perforce inadequate, and as a rule decisions are rendered upon the sole responsibility of the governments. In the past, this assumption of untrammelled authority has extended to policy-determining of major importance. But for a variety of reasons, the field of governmental discretion may be expected to undergo a measure of restriction in the future. In this connection, it is suggested as a desirable convention that governments should submit for parliamentary approval, not merely policies which call for positive action on their part, but their negative decisions as well. Moreover, the practice of holding formal debates upon major pending issues—as was done, for instance, in Australia and New Zealand regarding renewal of the Anglo-Japanese alliance in 1921—serves several useful purposes, and is susceptible of much more extensive application than heretofore. On the whole, it seems to the present writer that the British Dominions have been working out a compromise between deliberation and action in the conduct of external relations which is the more noteworthy in that the entire principle of representative parliamentary democracy is undergoing crucial reëxamination in so many countries today.

the fate of the government is not at stake), and has provoked some most enlightening discussions. The proposition is introduced by a private member's motion, is debated, and is as likely as not withdrawn after thus serving its purpose. A salient recent instance is Miss Macphail's motion in the Canadian House (March 26, 1928) to establish a government department for the promotion of peace and international understanding, which was made the occasion for a survey, at two sittings, of the country's foreign relations (*Journal*, IX, 393-401).

THE MEASUREMENT OF PUBLIC OPINION

HAROLD D. LASSWELL

University of Chicago

Since the last decade has witnessed an unparalleled outlay of energy in discussing public opinion, and in inventing devices intended to add precision to the discussion, it is not untimely to take stock of our present position in the matter. If this paper can be said to support a single thesis, it is that the problem of measurement can be considered most profitably in relation to a set of nuclear concepts about public opinion. To measure is to render more precise; measuring efforts which undertake to render faulty concepts more precise are fore-ordained to be more precisely faulty. I shall begin by passing certain general conceptions in review, and we shall see whether the upshot warrants us in believing that we shall thereby achieve a sounder view of the measurement problem.

Political changes come to pass by unreflecting innovation, by private planning and adjustment, and by acts which involve the attention of many people at some stage of their elaboration. Much of the etiquette of public administration has come into being without anyone taking thought of it. Much has been devised by a single person, who quietly transmitted his innovation to a limited circle, and ensured its permanence. But some of the features of political life have a more extended history. Men have argued, and even bled, for national independence, for the extension of the franchise, for the devolution of authority, for the qualified independence of the judiciary. These patterns are the current residue of past conflict. They are the outcome of that form of social change which at some stage involves the participation of many people; that is to say, they are the result of *political movements*. Contemporary political science has displayed an increasing interest in political changes which involve political movements rather than thoughtless innovation or private ingenuity. This trend of interest is rather ambiguously called a renewed interest in pub-

lie opinion—a term which, as we shall see, requires more adequate definition.

Political movements are of various kinds. When a revolting offense is committed against the moral code of the community, instant and concerted action may be taken against the offender; and if the law has not penalized this particular offense, it will be modified at once and without debate. This political movement is of the most simple type, proceeding smoothly from outraged sentiments to decisive action. The solution of the situation is pre-organized. With this simple political movement, we may contrast one which moves through a more complicated course. Those who find their markets suffering from the competition of foreign goods may demand protective tariffs. Those who want to keep their costs of production and consumption down may oppose any interference with the competitive market. Others who fear for the supplies of the country in war, but who believe that tariffs multiply points of friction, may propose subsidy rather than tariff. Numerous other contradictory, supplementary, or corroborative demands may be made. Arguments may fly, pro and con, and finally a decision is made by a peaceful balloting procedure; and discussion dies off. We may say that the complex political movement originated in unrest, passed through a phase of symbolization and discussion, and proceeded through enactment to a relatively permanent change in the political pattern.

All degrees of variation may be found between the simple and the complex movement. This formal method of analysis enables us to place a particular movement in relation to others, and to state certain general problems for investigation. Although political movements begin in unrest, all social unrest does not find expression in political movements. Under some conditions, a community which is visited by a plague may pray; under other conditions, the community will demand the retirement of the health commissioner. We have here a very profound problem for research. What are the factors which dispose the community to settle its difficulties by ceremony,

or to seek to settle them by modifying the social or physical environment?

It is also worth pointing out that some unrest is dissipated in the very process of becoming symbolized in political form—which is the well-known catharsis function of free expression. Some of the unrest is dissipated in symbolization and in enactment, even though no effective change is made in social practice. Those demands which die with enactment are essentially magical in their character, since they dissipate discontent by hocus-pocus rather than by modifications in the social or physical environment. I have elsewhere suggested that the discrepancy between statutes, ordinances, or decrees, on the one hand, and actual enforcement and obedience, on the other hand, would serve as a rough index of the magical function of politics.¹

We must allow for the fact that some demands will not subside until long experimentation with particular legislative and administrative arrangements arrives at some stable solution. We must recognize also that discussion may be broken off, and issue joined by battle rather than by ballot.

We are now in a position to undertake to clarify the meaning to be attached to the term which is so often and so vaguely employed, i.e., *public opinion*. It is used to refer to that phase of a complex political movement which is characterized by debatable demands for action. It is essential for the concept of public opinion that one recognize that differences are pertinent only when they involve antagonisms.² I have endeavored to convey more than mere difference by speaking of *demands*. No less fundamental for the concept is the idea of demands whose fate is to be subjected to discussion and to some deciding procedure short of coercion. The demands are debatable. Those who participate in the process are the public. The public may be defined for a particular issue, or for a cluster of issues, and for time periods of varying duration. The Chicago

¹ *Psychopathology and Politics*, p. 195.

² Gerhard Münzer, *Öffentliche Meinung u. Presse* (Karlsruhe, 1928).

public of the last decade has been composed of those who made debatable demands about Chicago government.

How are we going to measure a public? In particular, how are we going to measure the Chicago public? One of our first tasks is the delimitation of the time period to be investigated. If we study a two-weeks' period during a dull time of year, our public will be numerically and geographically smaller than if we study a decade full of dramatic controversies. After our time interval is selected (and the selection is essentially arbitrary), we must choose our minimum criteria of participation. Voting is one type of participation. Shall we include within the public those who have cast one ballot within the period, or shall we specify a higher frequency? Contributing funds to pressure organizations is a type of participation. Shall we include within the Chicago public the man from Texas who once sent five dollars to a reform organization in Chicago? And which criteria of participation shall we take? If doing anything to influence the outcome of debated demands for political action in Chicago is what is meant by participation, we shall have to consider the case of the Kentucky editor who hopes that his stinging editorial will be copied in Chicago, and that it will shame the metropolis into electing upright men to office. Since participation involves not only the total numbers who participate, but the intensity of their participation, we must decide how to weigh so much voting against so much expenditure of money and time. One possibility would be to translate time spent into potential earning power, and include voting, canvassing, speaking, attending committee and mass meetings, and the like, in the time account.

Another set of problems arises in considering the applicability of certain indirect criteria of participation. Does the fact that one reads political news from Chicago make one a member of the Chicago public? Are we justified in inferring that he who reads about pending matters wants to influence the outcome? Or are we justified in supposing that many people who read about Chicago do nothing to influence the

course of events there? If we adopt the former alternative, we shall have to include within the Chicago public everybody from Peiping to Tangier who reads a certain specified amount of Chicago news.

I should like to suggest that it is a matter of interest to students of government that news about Chicago, Berlin, Moscow, Paris, London, and New York is read almost everywhere in the world. But reports which are read with idle curiosity for sheer diversion do not mark the reader as a member of the public of any one of these centers. The term "participation" is drawn too fine if we apply it in that connection. We mean by participation an active attitude toward the outcome of debatable alternatives of action. As empirical investigation continues, we will find it convenient to specify the minimum amount of outlay (money, and time in terms of money) necessary to warrant inclusion within the public.

We need a term to include all those who pay attention to the course of events related to a specified political situation, whether or not they belong to the public. I propose that we speak of the *attention group*. We need to study the attention groups of the world closely, since they are often precursors of more complicated forms of social interaction. The attention group of a city like Chicago must, like the public, be defined for a specific time interval. We should like to measure the time spent reading news of Chicago, listening to Chicago radio material, looking at pictures and plays about Chicago, reading books about Chicago, attending lectures about Chicago, talking to people about Chicago, living in Chicago, dealing with people or objects from Chicago. We need to evaluate many of the more obvious indices from this time standpoint. A newspaper printed in Chicago and circulating in the country may be read by an average of two persons for half an hour a day apiece; a newspaper printed in Constantinople and circulating in the country may be read and heard by scores of people, so long as the practice of declaiming the contents of the newspaper continues.

The relationship of the public to the attention group has been indicated. There remains the task of designating the connection between the public and the *sentiment group*, which is composed of those who are emotionally identified through a collective symbol, like nationalists, patriots, proletarians, and partisans. Identification involves the inclusion of a symbol of the other into the personality of an individual. Identification can occur with respect to those who are spatially remote through the perception of a common relation to an inclusive symbol, like a flag emblem, or a name. Speaking very generally, it may be said that the public operates within the limits of a sentiment group. The presence of discussable differences implies the presence of agreement on the procedure of discussion, and upon the criteria to be applied in debate. Public opinion proceeds within a framework of the non-debatable, which is what President Lowell meant by stressing the constitutional consensus as antecedent to public opinion. Demands are debatable so long as they do not transgress the moral consensus; when they do, the public dissolves, debate ceases, intolerance begins, and joint coercion is in readiness. The *crowd* is composed of those who are actively intolerant of dissent.

A political group acts both as a crowd and as a public. It may act as a crowd in respect of a foreign oppressor or a foreign rival; it may act as a public in considering the ways and means of acting against them. A group may burst asunder into two or more conflicting crowds, as when sectarians would emigrate to avoid contamination from the world around, or when revolutionary or secessionist movements are in full career. Those are members of a crowd who actively indulge in acts of intolerance, or in encouraging such acts. It is possible to measure the number of those who spend various amounts of time using coercion, encouraging intolerance, or contributing to the support of such measures.

Attention groups, sentiment groups, crowds, and publics have their geographical aspects. We may properly speak of attention areas, sentiment areas, crowd areas, and public

areas; and we may profitably explore their interrelationships. One of the general questions at issue is at what level of activity the attention area passes rapidly into another type of area.

We have, too, the problem of relating these various psychological areas to such organization areas as states, provinces, municipalities, special administrative, judicial, and electoral districts. Many political problems appear where serious discrepancies exist between these psychological areas and various organization areas. This is very manifest in the case of national minorities within a state of alien sentiment. And within the same national sentiment area, problems arise in adapting both control and administrative areas to differences in local feeling. This is the general significance of the complex of difficulties connected with home rule in the United States, devolution in Great Britain, and regionalism in France.

Political scientists have not been backward in criticizing governmental arrangements for their lack of consonance with psychological facts. But political scientists have not yet evolved and applied satisfactory criteria for the mapping of these psychological areas. Until that task is further along, our comments will continue to smack too much of simple impressionism. Perhaps the task will be facilitated by distinctly recognizing the existence of several types of psychological areas, each of which raises special problems of measurement.

Thus far, I have dwelt mainly on the problem of measuring one dimension, i.e., the extent, of the attention area, the public, and the crowd. There are, of course, other dimensions, and their measurement offers the most difficult task. We have not finished the description of the public when we have said that during a specified period so many people spent such and such an amount of time and money presenting and debating demands for political action in a particular community. We should want to describe the specific nature of the demands which could be debated, since we know that some demands could not be debated. We should want to describe the distribution of support for the different demands at successive stages

of the political movement. We should like to describe this distribution, both in terms of direction (for and against) and in terms of intensity (stability of direction against resistance). And we should like to know how to enter a political situation, and to measure the dimensions of the public before particular movements are completed.

When the political manager is in the thick of political movements, he is interested in prophecy and control. He wants to know whether a particular candidate has a better chance in the autumn election than another, whether a specific referendum measure will succeed, whether an endorsement from the Bankers' Association will win more votes than it will alienate. His judgment of contingencies and his invention of expedients are governed by a unique and crucial event series. Every detail is interpreted by him in relation to the impending crisis of decision.

Such a point of view is alien to the scientific mind, which is preoccupied, not with prophecy, but with prediction. The scientist would like to describe a typical series of events and relate them to another typical series of events. His task is, not to intervene in May for the sake of prophesying what will happen in November, but to intervene in the initial stages of discussion, and to state that, the situation remaining constant, the public, when consulted, will divide along certain lines and adhere to the division with a certain intensity. The scientist adopts a formal, and not an impressionistic, procedure in marshalling and interpreting the signs which he collects; while the active political manager continually reestimates the most diverse leaves that stir in the wind. It may be that the generalized relations discovered by the scientist will be useful to the political manager in making up his prophecies and modifying his *ad hoc* techniques of manipulation; but this is to be demonstrated and not assumed, for it may turn out that political managers who pay too much attention to the particular signs that are relied upon by the scientific generalizer will impair their own judgment by blunting their susceptibilities to other unique factors in the unfolding situation.

The first idea which has come to those who want to measure the direction and intensity of public opinion is that of securing a consensus among estimators of the meaning of various data. We know, as a matter of common observation, that persons who participate in a universe of discourse attach certain implications for future action to the words which are uttered around them. If we hear two men who appear to have the same social standing engage in conversation about the League of Nations, and one of them declares that he is opposed to the League, lock, stock, and barrel, and the other responds that he, too, does not think so well of it, we at once place these bits of behavior in relation to other possible kinds of behavior. If asked to define our interpretation, we would say that both men would probably vote against joining the League on a referendum on the question of our adherence; that the first man would vote against joining, almost regardless of the arguments; that the second could possibly be moved by strong arguments to shift his position; that the first would probably donate to anti-League propaganda, while the second would donate nothing to propagandist organizations; and so on through a long inventory of possible reactions. In point of fact, we live in a world which we are continually estimating in this way, and the consensus procedure is but a refinement of this estimating process.

Suppose we work up a measuring stick in the way that Thurstone has done, which is by far the most elaborate procedure so far devised.³ The selection of the statements and the solicitation of the estimates come at a definite time in relation to the development of the whole political movement. Are we subject to any sources of error if we apply the scale at various successive stages of the political act? Suppose the scale is constructed in May and the election is in November. Suppose the scale is constructed in 1925 and the referendum is in 1930. Are we justified in assuming that the words on the scale continue to have the same meaning which they had when the scale was made up?

³ Thurstone and Chane, *The Measurement of Attitude*.

The scale, once constructed, may be said to remain useful to the extent that the universe of meaning in which it is applied remains constant. Now any universe of meaning is always undergoing re-definition. Thus a new term of contempt, like "Kabitzer," may come into existence, perhaps weakening the amount of hostility implied in some of the epithets used in the scale. The original statements have lost the meaning which they signified at the time of the estimating, and would be resorted to by the judges later on; indeed, different statements would be chosen for the sorting process.

How rapidly do universes of meaning change? Certainly this variability is no simple function of time; for doubtless it is related to the novelty of the issues involved and the intensity of interest excited. By working on the basis of Thurstone's procedure, we may discover some very fundamental laws of language; but we must be very careful, in applying his method (as he has himself pointed out), to allow for the fact that his yardstick becomes distorted in our hands.

By calling attention to the simple fact that our measuring procedure is used at a certain phase of the public opinion process, we have become more clearly aware of some of the problems involved in measurement. We have seen the relativity of the scale to the stability of the universe of meaning in which it is used.

I should like to draw out some further implications of this point. The estimates made at any given time are more or less consciously made with reference to certain definite future contingencies. We have already noticed how we interpret the meaning of words with reference to possible referenda, election campaigns, opportunities or appeals for propaganda effort, and the like. Under Thurstone's procedure, the judges are given no instructions as to the future crises with reference to which they are to use their judgment in estimating the significance of the statements which they are asked to sort into eleven piles. This means that the judges are left free to view the future as the future is actually viewed in the universe of

meaning in which they participated at the time. At one time, a specific election, or a specific referendum, may be in prospect; at another time when a scale is constructed, elections may not be pending, and it may be uncertain which way the issues are to be formulated for decision. At different phases of the political movement, the situation will become re-defined in terms of the way in which the decisive crises are envisaged. It is well known that at an early phase of public opinion formation, there are all sorts of symbols competing with one another for the support of the populace. In the later phases of the movement, it is very common for the issue to be drawn between two overmastering alternatives. Thus "adherence with reservations," which at one stage of the opinion process may signify endorsement of a treaty, may later on come to mean the opposite. A scale which is set up on the basis of the cleavages envisaged early in the opinion movement may become less and less applicable to the situation.

The relativity of the scale to the implicitly envisaged future crisis is brought out clearly if the public tends to break up and to pass over into a crowd. If in the initial stages of the slavery controversy, estimates had been collected of the meaning to be attached to certain statements, these estimates would have been given on the assumption that issues were to be settled by voting. Later on, when antagonisms grew sharper, more and more people decided to fight, no matter what the outcome of voting on the extension of slavery in the West. Judges of the meaning of the statements would now have been compelled to envisage at the two extremes those who would fight, no matter how the voting went. If they had been restricted to the original statements, they would have been compelled to drop out statements near neutrality in order to give expression to their belief that statements toward the extremes signified greater intensities. We see that the relevance of the scale prepared when a harmonious solution of controversies is envisaged becomes less as the crisis becomes more serious.

It has already been said that the ideal of measurement is to

intervene in the developing situation and to state the conditions of direction and intensity prevailing. Direction refers to commitment for or against; the definition of intensity is less simple. Suppose we say that we mean by intensity the stability of a response when exposed to stimuli. We would like to have a scaling procedure so devised that we could justifiably assert that opinions equidistant from zero in opposite directions will show the same variability when they are exposed to stimuli of the same intensity. If we had such a scale, we could describe, not only the directions of opinion, but relative resistance to propaganda.

Let us consider the meaning of the units along the Thurstone scale. Do they supply us with what we need? Can we say that opinions located at corresponding scale values on either side of zero will remain equally stable when exposed to stimuli of the same intensity and in the same relative directions? This scale is not offered to us as an intensity scale. But if the foregoing analysis of the mind of the estimator is correct, we can say that it is an effort to measure both direction and intensity. It has been suggested that the judge interprets statements in terms of their predictive value with reference to an implicit future crisis (or crises). This involves estimating the extremes of behavior (such as death rather than acquiescence in an unfavorable decision), and appraising the intermediary forms of behavior in terms of these extremes. The nature of this judgment is obscured because the judges are asked to work without clearly envisaging the numerous alternatives that are considered to be potential in the developing situation.

Regardless of whether it is intended to work as a measure of intensity, we may undertake to devise a method which will test it as such a measure. We would want a stimulus which we could be assured would have a constant value, whether applied to those whose opinions are located to the right or to the left of zero. Had we such a stimulus, we could apply it to corresponding positions, and conclude that variations in response were due to the varying stability of the opinions, rather than

to the varying character of the stimulus. If Thurstone's scale values are measures of intensity, corresponding opinions on either side of zero would change the same amount. Let us say that the corresponding points 20 positive and 20 negative would both show a shift of thirty per cent when exposed to the standard stimulus. If the scale values are not measures of intensity, corresponding opinions on either side of zero would change variable amounts.

How can we find a stimulus which can be applied with equal intensity to both sides of the scale? Perhaps we could choose a stimulus and test it by seeing whether it produces the same amount of shift among those at zero when applied in opposite directions in matched groups. But we might be able to discover a stimulus word which could be applied in either direction without testing it in this way, and without raising a question in anyone's mind about the legitimacy of the procedure. We might follow the procedure devised some time ago by President Moore, when he employed "expert" and "majority" as terms which could be applied with the same intensity in opposite directions. We could take matched groups on the Thurstone scale, and tell them independently that a re-take was necessary, casually adding that they might be interested in knowing that a majority had so far voted in favor of (or against) the project.

It might turn out that the scaling procedure would prove to be a very accurate measure of intensity. At any rate, it would be possible on the basis of experimentation of the type proposed to develop a correctional factor, treating the alignment based on the judges' estimate as highly provisional, subject to the experimental determination of the correction factor. The direction and intensity measure would then be based on a combination of estimate and demonstration. We would have an independent means of determining whether the judges estimated correctly.

Methods which rely on estimate are always open to the question of how they demonstrate their dependability. We have

not yet successfully devised ways of measuring direction and intensity which finally substitute demonstration for estimate. We could move in that direction if we could elicit reactions which could be measured by methods which do not depend on a consensus of judgment that varies to some extent as the data vary.

For this purpose, we should like to have data which do not depend upon the conscious intent of the subject. The data used by Thurstone are commitments which are elicited from subjects who are fully aware that their opinions are being asked, who are able to deceive if they want to do so; their commitments are taken at their face value. It is possible to collect data on a different basis. Observers may be stationed at various places to listen to commitments which are being made, or to provoke commitments unobtrusively.⁴ Observers may rely upon reactions which are not formal commitments, such as the amount of time spent reading material on different sides of a question where the choice is presumed to be free. Frequency per time unit, or number of time units, may be used to express the magnitude of the reaction observed. This may then be tested in terms of a standard stimulus type of procedure for the sake of discovering whether these scale values are dependable intensity measures.

Some types of data may be elicited with some coöperation from the subject which may be measured by an instrumentation procedure, and which can be rendered independent of the conscious intention of the subject. I refer here to the measurement of the variations in pulse, respiration, psychogalvanic reflex, and similar reactions. Already, differential responses have been used for the purpose of detecting lies in practical police work. The precise limits upon the procedure will become apparent as the work of John Larson, Leonarde Keeler, and others progresses. Physical reactions of this kind have already been employed by the Sovkino for the sake of

⁴ This involves the use of the procedures illustrated in Dorothy S. Thomas and associates, *Some New Techniques for Studying Social Behavior*.

measuring the relative effectiveness of moving pictures. Groups which are representative of various audiences are used in the experiments. This shows not only how general scientific data can be accumulated, but also how those who are planning specific campaigns can rehearse their appeals in advance and reject the ineffective.

One productive line of experimentation will be in the application to matched groups of measuring methods of differing degrees of complexity. Perhaps we shall discover that a simple rank order arrangement, tested and corrected by a standard stimulus, will prove accurate enough for many purposes.

The foregoing remarks have had to do with the problems involved in making precise statements about the extent, direction, and intensity of public opinion. But suppose we ask ourselves how we can appraise the effect of public opinion itself upon the other processes of politics. We might approach this fundamental task by asking, first, whether public opinion was present or absent in connection with changes in policy, morals, and taste; and, if public opinion was present, what were its dimensions. Remembering that important changes in political and social patterns occur without involving the attention of many people, we are able to say that one index of the rôle of public opinion is whether specified social changes were the outcome of complex political movements, as defined at the outset of our discussion. A second indication of the rôle of public opinion is the extent to which group demands have been modified in the process of passing through public consideration. Demands which are championed in the initial phases of action often become curiously revised as they are adapted to the exigencies of public controversy. A third, and more difficult, question is the extent to which policies which are not directly exposed to public discussion are modified out of deference to considerations of how the public might act. One detail of this is how the public relations counsels influence the policy of the institutions with which they are connected. Do they, by acting on certain assumptions about public opinion, modify policy

in the direction of the calculation of long run interests? How can we adequately express the delicate modulations of policy which are made from day to day on the basis of more or less elaborate impressions or samplings of signs that are taken to be public opinion? I think it is fair to say that on these very fundamental matters we are still groping our way about. I suggest that since working propagandists will look after many of the minutiae of the processes of opinion measurement, university research might wisely be oriented more definitely toward the consideration of these more general questions.

Talking precisely about public opinion involves the measuring of extent, direction, intensity, and effect. I have said nothing so far about the measurement of the relative importance of the various factors which mold opinion. Just as the problem of assessing the effects of public opinion takes us to the heart of the problem of sovereignty, in the sense of political power and not of juridical authority, so does the problem of recording the factors which, through a definite period, have contributed to public opinion formation carry us to this basic preoccupation of a realistic political science. Perhaps the most difficult problem here is that of assessing the influence which manipulative skill itself has in opinion movement. It is fairly simple to find out how much propaganda was put out by definite groups. The appraisal of skill is not to be confused with success. Many skilled propaganda campaigns fall down from lack of facilities, and many bungled campaigns seem to succeed in spite of themselves. Skill is an inverse relation between effort and result.

It has been suggested in this paper that our measuring efforts should be constantly reconsidered in the light of our fundamental conceptions of public opinion. I have sought to indicate how certain general ways of thinking about public opinion would place some measuring tentatives in perspective, and show where effort has not thus far been directed successfully. The goal is precise statements about the extent, direction, intensity, effect, and formative factors in public opinion. How near we can come, no one can say.

AMERICAN GOVERNMENT AND POLITICS

State Constitutional Development through Amendment, 1930. State activity in the amendment of constitutions seems to fluctuate between off-seasons in odd years and periods of expansion in even years. In 1927, when this annual survey was inaugurated, seven states were included. In 1928, attention was directed toward eighteen states. The number was reduced to five in 1929, only to swell to a new height of twenty-one in 1930. As heretofore, the constitutional changes are reviewed by states rather than by subject-matter, and the effect of each amendment upon earlier constitutional provisions is indicated. A word is said concerning the amendment process in each state surveyed.

Massachusetts. Commencing in 1935, and continuing every tenth year thereafter, a census of the inhabitants of each city and town is to be taken and a special enumeration made of the legal voters therein for the purpose of determining the representative districts for the ten-year period beginning with the first Wednesday in the fourth January following the special enumeration. Districts established in 1926 continue in effect until the first Wednesday in January, 1939. Provision is made for the division of towns of twelve thousand population and over into representative districts; but no precincts in such towns may be divided. In taking the census, the enumeration of legal voters must specify the number residing in each precinct of the town. Towns of less than twelve thousand inhabitants may not be divided into representative districts. County commissioners are authorized to create representative districts and to apportion representatives among them. The total number of representatives (240), senators (40), and councilors remains unchanged (new Articles 21 and 22 in substitution for old Articles 21 and 22).¹ It is necessary that constitutional amendments be approved by a majority of the Senate and by two-thirds of the House of Representatives in two successive legislatures, and by a majority of electors voting thereon at a popular election.

Rhode Island. Provisions for absentee-voting by persons in military service (Article 4 of the Amendments to the Constitution) is repealed, and a new provision (Article 21 of the Amendments to the Constitution) provides for absent voting for qualified electors under regulations to be provided by the state legislature.² With the concurrence of a

¹ Yes, 443,618; No, 152,119.

² Yes, 52,926; No, 16,366.

majority of the members elected to each house of the General Assembly, constitutional amendments are submitted to town and ward meetings. If approved by majority votes therein, they are submitted to general elections, at which three-fifths of the electors of the state who were present and voting at the town meetings must register their approval.

Maryland. The legislature is permitted to authorize deputies in the treasury department to sign, countersign, and grant warrants, and to sign, countersign, and issue checks for the withdrawal of funds from the treasury of the state.³ Heretofore (Article 6, Sections 2 and 3), only the comptroller could perform these duties. After approval of three-fifths of the members of each house of the legislature, this change was adopted by a majority of the electors voting thereon in the general elections of November 4, 1930.

North Carolina. After being proposed by three-fifths of the members of each house of the General Assembly, and approved by a majority of the electors in the general election of November, 1930, an amendment was adopted providing for the issuance of war veterans' loan bonds.⁴

South Carolina. Provision is made, through amendment of Article 3, Section 9, for biennial instead of annual General Assemblies.⁵ Also, Article 4, Section 16, is amended to permit the calling of special sessions of the senate.⁶ Three amendments were adopted concerning taxation. The levy of the former annual tax, as provided in Article 10, Section 2, becomes biennial;⁷ Article 10, Section 1, is amended to provide for the assessment and taxation of intangible property;⁸ and Article 2, Section 4, Subdivisions "A" and "E," is amended concerning the payment of taxes prior to election as a prerequisite for voting.⁹ Articles 7 and 8 have been changed to authorize counties and municipalities containing a population of not more than 65,000 inhabitants, according to the census of 1920, to combine and consolidate in one government under provisions prescribed by the General Assembly.¹⁰ An exception is made to the constitutional requirement that no person shall hold two offices of honor or profit at the same time (Article 2, Section 2) so as to per-

³ Yes, 110,312; No, 97,059.

⁴ Yes, 186,184; No, 121,546.

⁵ Yes, 6,963; No, 3,655.

⁶ Yes, 4,979; No, 4,489.

⁷ Yes, 5,279; No, 4,586.

⁸ Yes, 5,150; No, 4,699.

⁹ Yes, 4,334; No, 4,053.

¹⁰ Yes, 4,410; No, 4,086.

mit circuit judges to serve as supreme court judges when appointed.¹¹ The General Assembly may now change the manner of the selection of school trustees and determine their terms of office in special school districts (Article 11, Section 6).¹² Eleven amendments of a local nature, applicable only to certain counties, were adopted concerning municipal bond indebtedness, elections, and school districts. After being proposed by two-thirds of each house and approved by a majority of the electors in a general election, constitutional amendments must be again submitted to the General Assembly and receive a majority vote of each house.

Florida. The power to issue bonds, after approval by a majority of the votes cast in an election in which a majority of the freeholders who are qualified resident electors participate, is extended to counties, districts, and municipalities (Article 9, Section 6); but this extension does not apply to the refunding of bonds issued exclusively for the purpose of refunding bonds or the interest thereon.¹³ A new provision, Section 12, is added to Article 9 to permit exemption from all taxation, for a period of fifteen years from the beginning of operation, of all industrial plants in specified industries which were established in the state on or after July 1, 1929.¹⁴ No exemption is to extend beyond 1948. The constitutional provision prohibiting inheritance and income taxes (Article 9, Section 11) is amended to permit the assessment and collection of estate taxes if such taxes are ever levied by the government of the United States.¹⁵ A single motor vehicle tax is imposed (Article 9, Section 13) in the form of a license fee for the operation of such vehicles.¹⁶ Amendments must be proposed by three-fifths of the membership of each house and approved by a majority of the electors of the state.

Louisiana. Permission is granted for the exemption of new industries from taxation (Article 10, Section 22) by local governmental units for a period of five years, providing such action is approved through election processes.¹⁷ A portion of the tax on gasoline and motor fuel is assigned to the construction of highways and bridges by the state highway

¹¹ Yes, 5,141; No, 3,288.

¹² Yes, 4,054; No, 3,867.

¹³ Yes, 48,814; No, 7,461.

¹⁴ Yes, 40,723; No, 14,342.

¹⁵ Yes, 47,725; No, 8,380.

¹⁶ Yes, 53,088; No, 8,033.

¹⁷ Yes, 111,348; No, 7,948.

commission with the consent of the state advisory board (Article 6, Section 22).¹⁸ The board of levee commissioners of the Orleans Levee District is authorized to construct an aviation field on Lake Pontchartrain (Article 16, Section 7).¹⁹ The public credit may not be pledged, nor may the state engage in business; and a bond issue of five million dollars is authorized for the construction of a new capitol (Article 4, Section 12).²⁰ School funds are to be raised by means of a poll tax to be paid directly to the parish school board (Article 12, Section 14), the interest on the proceeds of land heretofore or hereafter granted to the United States for the parish school board, and the interest on the proceeds of land and property granted by the United States for school purposes. A minimum amount of twelve dollars for each child of school age is fixed, to be realized from designated sources.²¹ A revised pension system for Confederate veterans is adopted, raising the maximum from thirty dollars to sixty dollars per month (Article 18, Sections 2 and 3), without regard to other income, and for wives of Confederate veterans whose marriages were contracted prior to December 1, 1905, and who were bona fide residents of the state for five years immediately preceding their application for a pension. Such pensions to widows cease upon remarriage. A tax of three-fourths of a mill, or as much thereof as may be necessary, is authorized to meet expenses of bond issues or interest payments necessary for the raising of funds to pay these pensions.²² The motor fuel tax is increased from four cents a gallon (imposed in 1928) to five cents a gallon, to provide revenues for the benefit of public schools.²³ The board of liquidation (city debt) of New Orleans is authorized to issue bonds to the amount of \$4,500,000 for the purpose of financing the construction of a new criminal court and a new parish prison. Whatever balance remains thereafter is to be devoted to the construction and renovation of public markets.²⁴ All of these amendments were proposed by two-thirds of the members of each house and approved by a majority of the electors voting thereon.

Minnesota. The legislature is authorized to prescribe and to limit the liability of stockholders in corporations, in consequence of an amend-

¹⁸ Yes, 120,771; No, 6,004.

¹⁹ Yes, 108,691; No, 9,864.

²⁰ Yes, 108,761; No, 7,761.

²¹ Yes, 113,040; No, 6,569.

²² Yes, 113,704; No, 6,592.

²³ Yes, 116,627; No, 7,085.

²⁴ Yes, 106,960; No, 10,779.

ment to Article 10, Section 3,²⁵ which previously provided that stockholders, except those in manufacturing enterprises, were liable to the amount of stock held or owned by them. The number of judges of the state supreme court is increased from three to five (Article 6, Section 2),²⁶ and the two court commissioners previously appointed by the legislature are dropped. A new amendment to Article 8 provides for the exchange of public lands of the state for lands of the United States, as the legislature may provide.²⁷ A majority of each house of the legislature may propose amendments, which must be approved by a majority of the electors of the state.

Wisconsin. Following a proposal by a majority of each house of the legislature and approval by a majority of electors voting thereon, the governor is permitted to approve or veto items of appropriation bills (Article 5, Section 10).²⁸

Illinois. Following proposal by two-thirds of the members of each house of the legislature, a majority of the electors approved a conservation bond issue.²⁹

Ohio. Three-fifths of each house of the legislature favored the amendment of Article 12, Section 9, to the effect that not less than fifty per cent of the income and inheritance taxes collected by the state shall be returned to the county, school district, city, village, or township in which said tax originated, or to any of the same, as may be permitted by law.³⁰ A majority of the electors voting on this proposal concurred with the legislature.

North Dakota. Article 45, Section 104, provides for the election of district judges for a term of six years. The state is divided into not less than six judicial districts, in each of which are to be elected one or more judges. In the general election of 1932, a continuing and overlapping personnel is provided in districts having more than one judge by according to the one receiving the highest vote a tenure of six years, the one getting the next highest vote a term of four years, and the third judge (if any) a term of two years.³¹ The judges of the supreme court are elected by qualified electors for a period of ten years, com-

²⁵ Yes, 486,818; No, 135,345.

²⁶ Yes, 428,013; No, 130,833.

²⁷ Yes, 378,716; No, 174,231.

²⁸ Yes, 252,655; No, 153,703.

²⁹ Yes, 886,971; No, 869,434.

³⁰ Yes, 930,914; No, 574,017.

³¹ Yes, 83,635; No, 63,316.

mencing with the judge obtaining the highest vote in 1934. The next highest at that election will serve for eight years, and the third highest for six years (Article 46, Section 90).³² These changes were approved by a majority of the members of each house in two successive legislatures, and by a majority of the electors voting thereon.

South Dakota. Courts having jurisdiction to try offenses are authorized to suspend sentences, during good behavior, of persons convicted of crime for the first time, subject to conditions imposed by the court (Article 5).³³ The net proceeds of all fines for violations of law are to be paid into the school fund of the county in which the fine is imposed, instead of, as heretofore, into the school fund of any county (Article 8, Section 3).³⁴ Properties within school districts may be classified for purposes of taxation so that agricultural lands may bear a smaller proportion of the burden (Article 8, Section 15).³⁵ All state-owned land acquired under the provisions of the "rural credit act" may be taxed by local taxing districts for county, township, and school purposes (Article 11, Section 5).³⁶ After proposal by a majority of each house of the legislature, amendments must be approved by a majority of the electors voting thereon.

Nebraska. The individual liability of stockholders in banking corporations and institutions is fixed and collectible upon failure of such corporations and institutions (Article 12, Section 7).³⁷ Three-fifths of each house of the legislature concurring, this amendment was submitted in the November elections and approved by a majority of the electors voting thereon.

Utah. All tangible properties in the state which are not exempt under federal laws or the state constitution shall be taxed in proportion to their value (Article 13, Sections 2 and 3).³⁸ Vacancies that may occur in either house of the legislature are to be filled as provided by law, instead of under writs of election issued by the governor (Article 6, Section 13).³⁹ A state tax commission of four members, of whom only two may belong to any one party, is to be appointed by the governor with

³² Yes, 75,009; No, 65,795.

³³ Yes, 81,697; No, 76,358.

³⁴ Yes, 88,092; No, 68,434.

³⁵ Yes, 81,870; No, 69,414.

³⁶ Yes, 101,527; No, 55,100.

³⁷ Yes, 182,536; No, 92,593.

³⁸ Yes, 66,678; No, 57,464.

³⁹ Yes, 82,027; No, 43,576.

the consent of the senate. The functions of this body are to administer and supervise the tax laws, which duties were formerly imposed upon the state board of equalization. Each county is to be provided with a county board of equalization to adjust the valuations and assessments of real and personal property, subject to the control of the state tax commission (Article 13, Section 11).⁴⁰ All metalliferous mines and claims shall be assessed as the legislature may determine, instead of at the fixed rate of five dollars per acre as heretofore, provided that the basis and multiple now used in determining the value of mines for taxation purposes shall not be changed before January 1, 1935, nor thereafter until otherwise specifically provided by law. All other mines shall be assessed as tangible property (Article 13, Section 4).⁴¹ The requirement that the state prison be located in Salt Lake county is deleted from a section requiring that the seat of government and the state fair be fixed at Salt Lake City (Article 19, Section 3). The institution for the deaf, dumb, and blind and the state reform school are assigned to Ogden City, and the Utah state hospital is to be situated at Provo City.⁴² The proceeds of all lands granted to the state by the United States for the support of common schools, and all unclaimed shares and dividends of corporations, no longer need be apportioned among districts according to the high school attendance (Article 10, Section 3). The tax rate on tangible property may not exceed, on each dollar of valuation, 2.4 mills for general state purposes and .2 mills for high school purposes (Article 13, Section 7). Such funds are to be apportioned by legislative enactment.⁴³ These amendments, after approval by two-thirds of each house of the legislature, received the endorsement of a majority of the electors of the state.

Idaho. In order to bring the Idaho asylum at Blackfoot under the same control as other similar institutions, Article 10, Section 6, of the constitution was repealed. The effect of this is that instead of three directors for this institution, the governor, the secretary of state, and the attorney-general become responsible for the direction of affairs of the institution, and the governor appoints a warden, who in turn selects his subordinates with the approval of the board.⁴⁴ Two thirds of each

⁴⁰ Yes, 62,814; No, 58,021.

⁴¹ Yes, 67,299; No, 56,023.

⁴² Yes, 73,796; No, 47,536.

⁴³ Yes, 66,208; No, 55,791.

⁴⁴ Yes, 85,574; No, 14,716.

branch of the legislature having submitted this amendment, it was adopted by a majority vote of the electors.

Nevada. The beginning of the fiscal year of the state is changed from January 1 to July 1 (Article 5, Section 1),⁴⁵ this proposal having twice passed the legislature by a majority vote of each house, and having been approved by a majority of the electors voting thereon.

Arizona. In the interest of uniformity, all elective officers of the state doing the same work shall have the same pay (Article 4, Section 17, part 2).⁴⁶ Persons voting upon bond issues must be real property taxpayers (Article 7, Section 13).⁴⁷ Citizens and wards of the United States only, with the exception of prisoners, may be employed on public works (Article 18, Section 10).⁴⁸ Before this amendment was proposed by a majority of the members of the two houses and adopted by the voters, persons who had filed a declaration of intention to become citizens were eligible for such employment.

California. The tax on street railways is increased from four to four and one-half per cent (Article 13, Section 14ab).⁴⁹ The legislature may establish retirement pensions for state employees and prescribe the requirements and conditions for retirement (Article 4, Section 22a).⁵⁰ The San Francisco harbor improvement act of 1929 is approved, with the sale of state bonds amounting to ten million dollars to provide funds for construction work and the improvement of the harbor. Tolls and other charges are to be paid into the fourth San Francisco seawall sinking fund (Article 16, Section 8).⁵¹ Indemnification from public funds for livestock slaughtered to prevent the spread of contagious diseases may be authorized by the legislature (Article 4, Section 31a).⁵² The Huntington Library and Art Gallery is permitted to receive gifts, and is exempted from taxation, subject to modification, suspension, or revival of this exemption by the legislature (Article 9, Section 15).⁵³ The legislature is empowered to provide for the organization and regulation of corporations, and to prescribe their

⁴⁵ Yes, 14,179; No, 6,811.

⁴⁶ Yes, 31,022; No, 20,168.

⁴⁷ Yes, 31,314; No, 20,867.

⁴⁸ Yes, 35,387; No, 18,560.

⁴⁹ Yes, 691,451; No, 363,155.

⁵⁰ Yes, 587,021; No, 550,565.

⁵¹ Yes, 808,293; No, 257,700.

⁵² Yes, 893,589; No, 184,922.

⁵³ Yes, 635,692; No, 407,645.

powers, duties, and liabilities, and those of their officers. The extension of the terms of such corporations as are formed for a limited period is envisaged, but no franchises of a quasi-public corporation may be so extended (amends Sections 1 and 7 and repeals Sections 2, 3, 9, 11, 12, and 14 of Article 12).⁵⁴ Each ocean marine insurer is required to pay an annual state tax measured by the proportion which its gross premiums from business in California bear to its gross premiums from business in the United States, with exemption of such insurer from other taxes except the real property tax (Article 13, Section 18).⁵⁵ Justices of the supreme court and of the district courts of appeal, and judges of the superior and municipal courts, are declared ineligible to hold other public office while in judicial positions. Judges of the superior and municipal courts must resign their positions if elected or appointed to other public office during their terms. All justices and judges of courts of record are denied the privilege of practicing law while holding their positions (Article 6, Sections 18 and 22).⁵⁶ Proposed amendments to municipal charters must be submitted to the electors at special elections, and petitions for such submission must be filed with the legislative body of the municipality at least sixty days before such an election (Article 11, Section 8).⁵⁷ Previously, it was necessary only that the submission be completed during the six months preceding a regular legislative session, or thereafter, and before final adjournment thereof, and that petitions be filed sixty days before the general election necessary preceding such session. The residence qualification for voting in a precinct is increased from thirty to forty days; but persons removing within forty days of an election to a different precinct in the same county may vote in their former precinct. Absentee voting is permitted under legislative enactment in cases of physical disability (Article 2, Section 1).⁵⁸ All of these amendments received the necessary two-thirds support of each house of the legislature and a majority vote of the electors voting thereon.

Oregon. Interest payment by the state on irrigation and drainage districts is authorized, as also is the issuance of bonds therefor (Article 11-b).⁵⁹ Senators and representatives chosen by electors of their re-

⁵⁴ Yes, 530,432; No, 360,968.

⁵⁵ Yes, 706,293; No, 224,252.

⁵⁶ Yes, 648,213; No, 270,077.

⁵⁷ Yes, 545,091; No, 304,136.

⁵⁸ Yes, 571,311; No, 377,926.

⁵⁹ Yes, 96,061; No, 74,892.

spective counties or districts are chosen, and vacancies are filled, as provided by law (Article 4, Section 3).⁶⁰ People's utility districts consisting of territory within one or more counties may include incorporated municipalities, with or without unincorporated territory, for purposes of water supply for domestic and municipal purposes, for water power, and for its sale. Such districts shall be managed by boards of directors consisting of five members selected from the residents of the districts. These districts enjoy the power to hold elections, levy taxes, contract indebtedness, enter into contracts, exercise the power of eminent domain, acquire property, and provide for a supply of water (Article 11, Section 12).⁶¹ It is necessary that a majority of each house of the legislature, and of the electors voting, register approval of amendments.

Washington. Vacancies in either house of the legislature are filled by appointment by the board of county commissioners in the county where the vacancy occurs, to hold office until the next election. A vacancy in the office of joint senator is to be filled by appointment or joint action of the boards of county commissioners of the counties composing the joint senatorial district (Article 2, Section 15).⁶² Previously, writs of election were issued by the governor to fill such vacancies. The power of taxation may never be suspended, surrendered, or contracted away. All taxes must be uniform upon the same class of property within the territorial limits of the authority levying the tax, and must be collected only for public purposes. It is specified that property shall be interpreted to include everything, tangible or intangible. The properties of the United States, the state of Washington, counties, school districts, and municipal corporations are exempt from taxation. The legislature may tax mines, mineral resources, and lands devoted to reforestation, either by a yield tax or ad valorem at such a rate as the legislature may decide. Each head of a family may be granted a personal property exemption of three hundred dollars (Article 7, Sections 1, 2, 3, and 4).⁶³ Two-thirds of each house of the legislature, and a majority of the electors voting, supported these changes.

W. LEON GODSHALL.

Union College.

⁶⁰ Yes, 85,836; No, 76,455.

⁶¹ Yes, 117,776; No, 84,778.

⁶² Yes, 133,255; No, 87,633.

⁶³ Yes, 138,231; No, 88,784.

The Movement for Revision of the California Constitution: the State Constitutional Commission. The constitution of California—filling one hundred and sixty-five pages of fine print—has been the object of so much criticism, and even ridicule, that the people of the state are fairly well agreed that it ought to be given an overhauling. As to the nature and extent, as well as the method, of the proposed reconstruction, there is, however, little or no harmony of view. The fact that the state electorate has on a number of occasions declined to sanction the calling of a constitutional convention does not indicate that it is content to leave things as they are. But what, it is asked, might such an assembly do? Should it tamper with those sections dealing with the initiative, referendum, or recall, its work would come to nothing. Should it impair the powers of the railroad commission, or abolish the judicial council, or set up a new basis of taxation, or lessen the independence of the regents of the state university, or raise the salaries of legislative and executive officials, or take any one of a dozen other courses of action, large sections of the electorate would oppose the revised instrument. It is a fairly safe assumption that a constituent assembly that radically revised the present constitution would see its work discarded by the people. Therefore, since a constitutional convention could do nothing effective, why waste money on a futile adventure?

Since the adoption of the present constitution in 1879, there has been no studied revision. Californians have changed the instrument when and as they have seen fit, acting largely on proposals of the legislature.¹ They have followed no systematic plan; yet in most instances they have acted wisely. Piecemeal, sporadic, and unscientific modifications are not likely to produce a document of sufficient symmetry of form to be admired; nevertheless, the government thus established may prove quite workable, and, as American state governments go, highly successful.

¹ The California constitution may, in practice, be amended with great ease. This fact has encouraged the legislature to propose as constitutional amendments many changes of a statutory nature that might be viewed by conservative courts as being unconstitutional. The electorate has become so accustomed to approving or rejecting constitutional amendments that the man in the street refers to all proposals placed on the ballot as amendments. In the election of November, 1930, a Sunday-closing law was proposed by the initiative, and was supported by barbers' unions. In much of the literature on the subject circulated by the unions, they referred to the proposed law as an "amendment."

The movement for reform came to a head through the action of the 1929 legislature in adopting two not wholly consistent proposals. The first concerned a constitutional convention. The legislature submitted to the electorate an amendment for the calling of such a convention. The second proposal was new. In it, the legislature authorized the governor to appoint a commission "to investigate and report upon the need for the revision of the constitution of the state of California," outlined the commission's powers and duties, and made an appropriation to cover necessary expenses. The commission was to be composed of fifteen members appointed by the governor. It was instructed to make a study of the California constitution and the constitutions of the other states of the Union; to report to the governor on the need of revision, presumably in the form of a new draft constitution; and to advise the governor on the need of calling a constitutional convention.²

Most of the commissioners appointed by the governor were at the time, or had been, prominent in some form of state activity. Doubtless the then approaching state primary had some influence on the selections made; yet men of real ability were included. In forming the commission, the governor selected representatives of a variety of social interests of importance. Wise and just though this may have been from a theoretical point of view, it seriously hampered the commission in its functioning. Possibly the body represented a cross-section of California opinion; possibly such a body would have been selected had the members been chosen by a system of proportional representation. At all events, they found serious difficulty in agreeing on the many controversial subjects they were compelled to handle. Had the commission less faithfully represented the state, it might have moved with greater speed and produced more startling results. Early it became apparent that should the commission propose a new constitution, it would depart from the existing document in but few major respects. While repair, not reform, was foreordained to be the watchword, it nevertheless happened that some of the commission's suggestions called for radical changes.

The commission was early organized into nine committees—on bill of rights and suffrage, legislative department, executive department, judicial department (including quasi-judicial bodies), municipal and county government, taxation, substantive law and schedule, consti-

² *Statutes of Cal.* (1929), p. 741. The writer served the commission in the capacity of research assistant.

tutional research, and supplemental schedule. It was proposed that, with the assistance of a small technical staff, the commission should go at once to the consideration of the California constitution, examining as well the constitutions of the other American states. Progress might have been more rapid had the commission ordered the preparation of a revised draft of the California constitution for its consideration. But the body preferred to prepare its own revision originally; and hence the committees were instructed to revise the articles within their separate fields.

In its monthly meetings, the commission advanced with great care. Controversial subjects refused to stay settled, certain of them coming up for consideration at every session. Committees were often tardy in reporting, so that in the early summer there was a scarcity of matter for debate. As fall advanced, it became clear that it was time that had become scarce. But before the convening of the new legislature and the inauguration of a new governor, the commission made its report.

Direct legislation and bank taxation were discussed at considerable length. Although there was little unanimity of opinion regarding the initiative, referendum, and recall, the possibility of eliminating these instruments, or even of making their use more difficult, was not considered. Rather, it was decided that they should be made more available. One change suggested was a requirement that for every initiative measure ten electors should sign and act as sponsors, exercising a limited degree of control over the progress of the proposed measure. In place of the present initiative provision requiring the presentation of a petition signed by electors equal in number to eight per cent of those voting for the governor at the last preceding election—a provision that has become continually less workable as population has increased—the commission proposed that the securing of the signatures of 50,000 electors should be sufficient. If less than 50,000, but not less than 25,000, signatures should be obtained, the sponsors could elect to submit the measure to the legislature. Should the legislature fail to adopt the proposal as presented, it should go to the electorate with or without an accompanying legislative substitute. It was provided that for the initiation of an amendment to the constitution, 75,000 signatures should be obtained; and these provisions were made self-executing.

The proposal that the subject of taxation be entirely omitted from a revised draft of the constitution was not without support among members of the commission. Yet such a plan was not adopted. Cali-

fornia experience has seemed to indicate that the legislature cannot yet be trusted with control of this subject, even although tax legislation be subject to the referendum.

In suggesting the creation of a state tax board, the commission departed radically from the present provision under which has been established an elected state board of equalization. The recommendation called for the creation of a board of five members, to be appointed by the governor for six-year terms, with duties administrative, legislative, and judicial in character. It was provided that the board should supervise the administration of the state's tax laws and the laws for the assessment of property for taxation; require reports from public officers and taxpayers and prescribe forms therefor; adopt necessary rules to prevent tax evasion; classify and value personal property for taxation; increase or decrease the entire assessment, or the assessment of any class of property, of a county or municipality in order to equalize the assessment of the property and make it conform with the true value of the property; control the assessment of all state taxes; hear and determine appeals relating to assessment of state taxes, or appeals of taxpayers from decisions of county assessors or boards of equalization; collect information; investigate the operation of tax laws; recommend to the legislature changes deemed advisable; and perform such other duties as might be provided by law.

The article providing for a legislature and defining its powers was considered at length. The commission was early committed to a proposal increasing the powers of the legislature. But should the organization of the body be changed materially? An articulate and determined minority favored statesmanlike action. If the powers were to be increased, provision should be so made that better legislators would be elected. The unicameral legislature was proposed and defended. The selection of a smaller number of legislators, and giving them adequate remuneration, was considered. Provision for annual meetings, and for the creation of an inner group of legislators, selected by the entire body, to remain in session throughout the year, received some support. But a recently adopted reapportionment law, approved by the electorate, convinced a majority of the commission that no change should be made in the legislature's structure. The commission's report called for the elimination of that section of the present constitution which prohibits the legislature from passing local or special legislation for thirty-three specified purposes, and substituted a section providing that the

legislature should not pass local or special laws where general laws could be made applicable.

It was decided that the legislature should be empowered to change the courts and court system as it deemed necessary. Therefore, the provision of the federal Constitution setting up the federal judiciary was taken as a model. Membership in the judicial council was to be changed so as to include three members appointed by the governor, whose qualifications should be determined by the governor, and who should serve at his pleasure.

The commission suggested a means of resolving the existing conflict in the department of education between the elected superintendent of public instruction and the appointed board of education. The proposed provision called for the election of a state board of education, of eight members, to be chosen for eight-year terms, four members to be elected every four years. The actual administration of the department of education was to be placed in the hands of a director appointed by and responsible to the board. Aside from this, recommended changes in the executive departments were few. Although the ballot was to be shortened somewhat, the revised plan still called for the election of six state officers.

Should the revised plan be adopted, the governor would be given sixty, instead of thirty, days after the close of a legislative session in which to act on bills that had been passed. All measures failing to receive the governor's approval would have to be filed with the secretary of state, or become law.

The commission's report called for the creation of no new administrative bodies exercising so-called quasi-judicial duties. Those that have already been created were preserved. Provisions in those sections dealing with the judiciary were so worded as to make possible, should the report be adopted, the creation of such administrative bodies through legislative action.

Many sterile provisions were found in those sections of the present constitution which relate to local government. The legislature has, in effect, nullified the section calling for a general law controlling the establishment of county governments but allowing classification according to population, by setting up as many different classes as there are counties. This section was eliminated from the revised draft. Special detailed sections were inserted making possible certain city and county consolidations; yet the commission's article on local government

is scarcely an eighth of the length of the present article. Indeed, the proposed constitution, as a whole—although embracing 317 sections—is less than half as long as the existing one.

The legislative act creating the commission requested that it submit a model constitution for consideration, as well as a reconstruction of the present one. What might have proved an extremely difficult task was performed in one meeting of the commission by the inclusion in its report of the "model state constitution" proposed by the National Municipal League.

The question of whether the calling of a constitutional convention should be recommended was settled during the life of the commission by the electorate; the legislative proposal for such a convention was defeated at the November election. The commission made an alternative recommendation to the effect that the legislature should submit to the people a constitutional amendment permitting the legislature itself to revise the constitution in its entirety, the complete revised instrument to be submitted to a popular vote for their approval.

Since the filing of the commission's report, a new administration has come into office; and as to the proposals made, nothing has been said. By no sign can its attitude toward the report be ascertained. Nevertheless, the commission's work, although receiving no official recognition, may not come to naught. If a complete and systematic revision is really desired, the adoption of a single amendment to the present constitution will enable the legislature to prepare it, or have it prepared. The specific reforms recommended by the commission may be of value as guides in such an effort. Many of them might with wisdom be incorporated into the constitution separately.

CHARLES AIKIN.

University of California.

Operation of the Literacy Test for Voters in New York.¹ The education department of the state of New York, which is charged with the administration of the literacy test law of 1923, has recently submitted a report on the workings of the measure from 1923 to 1929. The document furnishes some very illuminating evidence, not only on the operation of the literacy test for voters, but on other phases of political action.

¹ See notes by the writer in this *Review*, May, 1923, and November, 1925. Cf. A. W. Bromage, "Literacy and the Electorate," *ibid.*, November, 1930.

A. Total Number Applying for Certificates of Literacy

1923	1924	1925	1926	1927	1928	1929
33,795	76,280	39,457	43,855	55,273	163,299	51,081

These figures indicate a steady increase of interest in voting in the state of New York, if the presidential years are not included. Despite the peak applications of 1928, a larger number of new voters applied in the off-year 1929 than in the gubernatorial year 1926. The figures for 1928 are particularly significant. The Hoover-Smith campaign brought out a record number of non-voters who had never participated, and it must be recalled that these 163,299 persons had either become of age or had been naturalized since January 1, 1922. They do not include persons who were qualified but had never voted before the literacy test law became operative.

B. Presentation of School Certificates

	1923	1924	1925	1926	1927	1928	1929
Day Schools	7,829	13,848	7,665	7,718	10,162	29,833	4,184
Evening Schools ..	767	1,288	980	1,174	1,441	3,601	473

This method of securing a certificate of literacy, as provided for in the law, has not been used to the extent that is possible. Many persons who have completed the fifth grade are unable to secure a statement from their school authorities, and prefer to take the comprehension test rather than to take the trouble to locate their certificates. Those in charge of the examinations report that many persons stated that the schools were closed in the evening and that the principal was not available. The school records were lost in some cases, and those who had attended school in other communities could not get their certificates.

C. Results of Literacy Test

	1923	1924	1925	1926	1927	1928	1929	Totals
Taking test	25,199	61,144	30,859	34,963	43,673	129,864	46,483	472,126
Passed	19,806	24,888	25,358	28,108	37,002	116,760	41,380	317,302
Failed	5,393	12,256	5,501	6,855	6,671	13,104	5,044	54,824
Per cent failed .	21.4	16.1	17.8	19.6	20.66	10.09	10.84	14.9

The percentage of failures has declined in the two presidential years—in 1924, to 16.1, and in 1928, to 10.09. The school authorities report an unusual determination on the part of applicants in 1928. The campaign was hot in New York, and partisanship on both sides was intense. The failures in 1929 remained at the low level of 1928. The best ex-

planation to be given for the decrease in failures is the increased efficiency of the evening schools and special schools for foreign-born women and the requirement of judges that applicants for naturalization be able to read and write.

D. Comparison of Men and Women Applying for Certificates of Literacy

	1923 ¹	1924	1925	1926	1927	1928	1929
Men	60,022	30,477	34,305	41,820	104,980	37,108	
Percentage	73.6	77.2	78.2	75.67	64.28	72.65	
Women	16,258	8,930	9,550	13,438	58,319	13,972	
Percentage	21.4	22.8	21.8	24.33	35.72	27.35	

¹ No statistics available for 1923.

The above table is a commentary on woman suffrage. The number of woman voters in New York who have never voted is very large, and undoubtedly in this group are numerous foreign-born women who have been naturalized but who have never ventured to take the literacy test for voting. This would not account entirely for the difference in percentage figures for the two sexes. Apparently the parties could do much work in enlisting women voters who have never bothered to qualify. These figures help to maintain the assertion that half of the women are not interested in the suffrage. The increase in the percentage of women who applied in 1928 further bears out the statement so often made that the woman vote was a great factor in the result. In 1929, the percentage decreased from the high figure of 1928, but did not reach the lower levels of earlier years. This may represent a large number who wanted to vote in 1928, but were prevented by the age requirement.

E. Failures in Literacy Tests by Men and Women

	1923 ¹	1924	1925	1926	1927	1928	1929
Men	11,448	5,017	6,281	5,983	11,135	4,394	
Percentage	23.5	19.7	22.4	16.7	11.8	13.4	
Women	808	442	574	670	4,970	650	
Percentage	5.2	5.2	6.4	5.2	9.3	4.8	

¹ No statistics available for 1923.

One point is clear, from the above table. The women have proved more adept than the men in passing the examinations for the literacy certificate. The only year in which the percentage of failures of women approached the failures of men was 1928. This is difficult to explain

on the ground that many women who lacked interest in voting in previous campaigns suddenly found that they wished to vote, and rushed to take the examinations, with a consequent increase of failures. If the reason given above is sound, the percentage of failures of men should have increased; but as a matter of fact this percentage decreased to its lowest point.

This is the first time in the history of the literacy test for voting, which was first used by Connecticut in 1855, that we have had objective material as to its effectiveness. The principal conclusions may be summarized thus: (1) the literacy test is actually enforced, as indicated by the fact that 14.9 per cent have failed in the past six years; (2) in New York, there has been a steady increase in the interest of new voters in elections; (3) interest in presidential years is greater than in other years; (4) women show a relatively lower percentage of interest than do men; (5) women are more successful than men in passing the test; and (6) the literacy test has developed interest in evening schools on the part of the foreign born.

The administration of the law has entailed little difficulty. Some education officers have been tempted with bribes; some have been threatened; and in a few cases substitutes have been detected in the act of taking the test. Registration boards have generally coöperated. The bi-partisan board prevents much abuse, and in a few instances a report has been made to the educational authorities where persons were registered illegally. In those sections of the state where the bi-partisan board is not used, there is a greater opportunity for the board to accept applicants for registration without requiring the literacy certificate. However, there is no evidence that this has actually been done.

The success of the law in New York is unquestioned. The system might easily have become a mere form; but because its administration was placed in the hands of the educational authorities, it has become of great value. The voters in New York must actually be able to read, write, and understand.

FINLA G. CRAWFORD.

Syracuse University.

LEGISLATIVE NOTES AND REVIEWS

Governors' Messages, 1931.¹ One line of business which does not seem to be greatly affected by the present "world-wide depression" (to quote the Republican governors) is that of law-making. Forty-three of the state "law factories" opened for business in January, and doubtless some of them will still be "in production" at the time when this summary appears in type.² The constitutions of most of the states provide that the governor shall report to the legislature upon the condition of the state and recommend such measures for its consideration as he may deem expedient. The picture of the economic, social, and political situation in the states as revealed by the messages of fifteen of the twenty-three retiring governors, who may be presumed

¹ The fifty-eight messages dealt with in this summary are: Alabama, Bibb Graves, outgoing, B. M. Miller, incoming; Arizona, George W. P. Hunt; Arkansas, Harvey Parnell; California, C. G. Young, outgoing, James Rolph, Jr., incoming; Colorado, William H. Adams; Connecticut, Wilbur L. Cross; Delaware, C. Douglass Buck; Georgia, L. G. Hardman; Idaho, C. Ben Ross; Illinois, Louis L. Emmerson; Indiana, Harry G. Leslie; Iowa, John Hammill, outgoing, Dan W. Turner, incoming; Kansas, Harry H. Woodring; Maine, William T. Gardiner; Maryland, Albert C. Ritchie; Massachusetts, Joseph B. Ely; Michigan, Fred W. Green, outgoing, Wilbur M. Brucker, incoming; Minnesota, Theodore Christianson, outgoing, Floyd B. Olson, incoming; Missouri, Henry S. Caulfield; Montana, J. E. Erickson; Nebraska, Arthur J. Weaver, outgoing, Charles W. Bryan, incoming; Nevada, Fred B. Balzar; New Hampshire, Charles W. Tobey, outgoing, John G. Winant, incoming; New Jersey, Morgan F. Larson; New Mexico, Arthur Seligman; New York, Franklin D. Roosevelt; North Carolina, O. Max Gardner; North Dakota, George F. Shafer; Ohio, Myers Y. Cooper, outgoing, George White, incoming; Oklahoma, W. J. Holloway, outgoing, William H. Murray, incoming; Oregon, A. W. Norblad, outgoing, Julius L. Meier, incoming; Pennsylvania, John S. Fisher, outgoing, Gifford Pinchot, incoming; Rhode Island, Norman S. Case; South Carolina, John G. Richards, outgoing, Ibra C. Blackwood, incoming; South Dakota, W. J. Bulow, outgoing, Warren E. Green, incoming; Tennessee, Henry H. Horton; Texas, Dan Moody, outgoing, Ross S. Sterling, incoming; Utah, George H. Dern; Vermont, John E. Weeks, outgoing, Stanley C. Wilson, incoming; Washington, Roland H. Hartley; West Virginia, William G. Conley; Wisconsin, Philip F. La Follette; and Wyoming, Frank C. Emersich (deceased).

² Of these, thirty-seven met in regular biennial session, four in regular annual session, one (Alabama), in regular quadrennial session, and one (Georgia) in extraordinary session. Governor Billo of Mississippi has agreed to call a special session if a majority of the members of the legislature will sign a pledge to adopt his proposed program without change. See *State Government*, Vol. 4, No. 3, pp. 18-19, for a copy of his letter and the accompanying pledge.

to know a good deal about state problems, and forty-two others, ten of whom had served a part of their term, ten of whom had been reelected, and twenty-two of whom were newly chosen to office, is not particularly reassuring to those who would view the future of state government in an optimistic light. While most of the messages open with a note of assurance that in spite of the economic depression the conditions in the state in question are not as bad as in many others, the remainder of the document frequently fails to corroborate this statement. Every state seems to be grappling with serious problems of unemployment, shrinking revenues, and increasing demands for service, inequitable taxation, agricultural depression, bank failures, and inadequate public utility regulation. Stringent limitations of space will permit a discussion of the remedies which are proposed by the governors for only the major political, social, and economic ills of our state bodies-politic.

Unemployment. Thirty-seven messages take cognizance of the economic situation and unemployment. Nearly all of the governors see in this situation an imperative necessity for economy in governmental expenditures. "The government should retrench even as the private citizens who must support the government are retrenching." Of course; such a conclusion does not necessarily follow. In so far as commodity prices have declined, and salaries and wage scales have been or can be reduced, economy in state expenditures seems justifiable. But the legitimate demand upon the part of the people for the undertaking of new and wider services by government is accentuated by economic depression. When private enterprise can no longer be conducted at a profit, there is a strong urge for government to take it over. Elaborate public works must be undertaken to provide jobs. This expansion may well absorb whatever may be saved through lower prices for men and materials, so that we cannot look for a reduction in gross expenditures.

The governors themselves are often inconsistent on this point. After urging strict economy, many of them strongly advise new activities which would cost far more than could be saved by a close trimming of budget estimates on existing activities. Governor Hunt of Arizona, for instance, urges the restoration to the highway department of authority to do an unlimited amount of work on force account—losing the economy of competitive bidding—merely in order to assure jobs to Arizona residents. He also urges a building program at state institutions. Governor Ely of Massachusetts recommends the issuance of \$20,000,000 in bonds to supplement current revenues for buildings and

trunk highway construction. While Governor Christianson of Minnesota fires a departing economy shot, his successor, Governor Olson, decries the "false economy" of his predecessor and urges the resumption of a substantial building program at the state institutions, partially as a relief for unemployment. A \$14,000,000 building program is recommended by Governor Pinchot in Pennsylvania, in addition to the regular highway program; \$140,000,000, or forty per cent of the total state budget, is recommended for work available for unemployment relief. Governor La Follette points out that "sound financial policy requires the establishment of reserves in times of prosperity for meeting capital charges in times of depression." If such a policy had been followed in the states, there would be no great need for new revenues and bond issues to meet the financial crisis precipitated by the depression. However, such a program would be very difficult, due to the natural tendency of each legislature to appropriate all available funds for current projects.

Many of the governors have sought to deal with unemployment through committees on stabilization of employment. Such agencies are mentioned in the messages of eleven governors—Cross of Connecticut, Emmerson of Illinois, Ritchie of Maryland, Green of Michigan, Christianson of Minnesota, Tobey of New Hampshire, Larson of New Jersey, Roosevelt of New York, Cooper of Ohio, Pinchot of Pennsylvania, and Richards of South Carolina. If these organizations can be made permanent, and can be adequately financed, a recurrence of the 1930 depression should be greatly tempered in severity.

Law Enforcement; Crime; Prisons. Closely allied with the unemployment problem, crime has shown an alarming increase during the past two years. Crime commissions have been active in the study of this problem in a number of states. The Indiana and Montana commissions are making their reports this year, as is also the judicial advisory council of Illinois. Governor Hammill of Iowa acts as a one-man commission, suggesting in eight paragraphs the causes of crime.

Law enforcement agencies have proved inadequate in several states. Governor Graves of Alabama commends the state police; while his successor, Governor Miller, condemns it and recommends its abolition as an economy measure. Governors Emmerson of Illinois, Green and Brucker of Michigan, Larson of New Jersey, Fisher of Pennsylvania, and Conley of West Virginia are enthusiastic in their praise of the state police forces in their states. Governor Meier would establish such

a force in Oregon, Governor Tobey in New Hampshire, and Governor Olson in Minnesota. Moody of Texas favors an expansion of the powers of the highway police to make them general police officers. White of Ohio and Hammill of Iowa are opposed to the creation of a state constabulary.

Many changes in criminal codes are recommended. Governor Hunt of Arizona desires a less "barbarous" means of exacting the death penalty. Governor Brucker of Michigan would make racketeering a crime. Roosevelt of New York asks for a state crime investigating bureau, and extension and improvement of the probation system. Hartley of Washington advocates an indeterminate sentence, with a fixed maximum but no minimum. Bryan of Nebraska advocates the repeal of the indeterminate sentence law, the amendment of the law relating to pardon and parole to prevent clemency except upon the recommendation of the trial judge, and the raising of the minimum sentence under the habitual criminal act from ten to twenty years. Olson of Minnesota asks for indictment by information in the place of the grand jury in criminal cases. Norblad of Oregon asks for the creation of a parole board of seven members, to be appointed by the chief justice of the Supreme Court. Richards of South Carolina would give the governor the power to remove sheriffs for disregard of duty in cases of lynching. Sterling of Texas asks for a state bureau of criminal identification. Ritchie of Maryland advocates the strengthening of the parole system.

Classification of offenders is earnestly urged in the messages of Governors Hunt of Arizona, Young and Rolph of California, Adams of Colorado, Hammill of Iowa, Ritchie of Maryland, Cooper and White of Ohio, Norblad of Oregon, and Moody of Texas. Sterling of Texas emphasizes the need for modernization of penitentiary facilities. Caulfield of Missouri points out that his state will soon have adequate facilities for segregation of first offenders. Christianson of Minnesota urges the establishment of regional work-houses to take the place of county jails.

The passage by Congress of the Hawes-Cooper Act has raised serious difficulty in many of the states. This fact is mentioned in the messages of ten governors—Graves of Alabama, Leslie of Indiana, Hammill and Turner of Iowa, Ritchie of Maryland, Caulfield of Missouri, Tobey of New Hampshire, Wilson of Vermont, Conley of West Virginia, and Emerson of Wyoming. Governor Graves suggests, however, that "so

long as privately owned American mills can profitably sell in foreign markets, especially in Asia and Latin America, the state's convict mills can surely do likewise." Governor Conley sees road construction as an outlet for prison labor; while Governor Emerson suggests an agreement with other western states for the interchange of prison-made goods for state use. Those states which have been using the contract labor system in their penitentiaries will have to face a serious problem when the federal law takes effect in 1934. Interstate coöperation for state use of prison-made goods seems now to be the most desirable solution. Governor Ritchie of Maryland reports that the fourteen eastern states are now organized to study the problem of prison employment.

Eleven of the governors mention prohibition. Of these, Cross of Connecticut and Case of Rhode Island favor repeal of the Eighteenth Amendment. Ely of Massachusetts asks for a memorial to Congress in favor of a modification of the Volstead Act. Strict enforcement of both federal and state prohibition laws is advocated by Turner of Iowa, Woodring of Kansas, Tobey of New Hampshire, Pinchot of Pennsylvania, Richards and Blackwood of South Carolina, Sterling of Texas, and Conley of West Virginia.

State Finance and Taxation. It is practically impossible to gain accurate information on the financial condition of the states from the governors' messages. Deficits are not pleasant subjects for publicity, except for new incumbents of opposite political faith from their predecessors. On one important point, however, all who deal with this subject seem to agree, namely, that tax revenues are declining and that the total revenues for the biennium 1929-30 will fall far short of the estimates made in the more roseate summer of 1929. This sharp decline in revenues without a corresponding reduction in legislative authorizations for expenditure has led most of the state treasuries "into the red." The necessity of preparing budgets for 1931-32 has forced upon many chief executives a realization that economies must be effected or new revenues must be sought if budgets are to be balanced.

Another factor which tends to complicate this financial situation in those states which still rely on the general property tax for all, or a part of, their revenue is an insistent demand by farm and real estate organizations that real property be relieved of a substantial part of the tax burden it now bears. In some states, also, chambers of commerce are advocating a reduction in corporation taxes. If these de-

mands are to be acceded to, to any substantial extent, it will, of course, be necessary to find new sources of income without indirectly laying a burden on the same taxpayers who are asking for relief. Many suggestions are brought forward by the governors as solutions for this problem. Some states have appointed special investigating commissions, and the governors have suggested the adoption of the recommendations made by these bodies. Such is the situation in California, Illinois, Indiana, Iowa, Michigan, Missouri, New Hampshire, Ohio, South Dakota, Vermont, Washington, West Virginia, and Wyoming. Governors Hunt of Arizona, Cross of Connecticut, Weaver of Nebraska, Seligman of New Mexico, Balzar of Nevada, and Horton of Tennessee recommend that similar studies be made in their states.

There is little agreement among the governors on the types of taxation which should be employed. Few of them seem to have any knowledge or appreciation of the so-called "model system" evolved by the National Tax Association. Only Weaver of Nebraska mentions it by name. For instance, Governor Graves of Alabama suggests a new gross receipts tax on picture shows, a gallonage tax on the syrup used in soft drinks, and an additional cent of gasoline tax (making the total six cents.) Cross of Connecticut advocates a reduction in the rate of interest on unpaid taxes. Buck of Delaware asks for a fifty per cent reduction in income tax rates. Hardman of Georgia suggests a reduction in the exemptions on the sales tax, the placing of a tax on smoking tobacco, and the diversion of half of the proceeds of the automobile license tax to meet emergencies in the eleemosynary institutions. Ross of Idaho recommends an income tax and a constitutional amendment to permit the classification of property for taxation. Emmerson of Illinois suggests that intangible property should bear a larger share of the tax burden. Hammill of Iowa suggests an increase in the school fund from taxes on cosmetics, tobacco, soft drinks, and other non-essentials. Turner of Iowa recommends an individual and corporate income tax, reduction of exemptions in inheritance taxation, and revision of the laws relating to the assessment of property. Woodring of Kansas asks for permanent, trained assessors, an income tax as equitable as may be under the state constitution, and increased fees to cover the cost of service by special agencies. Green of Michigan favors an income tax. His successor, Governor Brucker, asks for the repeal of the malt tax as not in keeping with the dignity of the state, and suggests the refinancing of all outstanding bonds to take advantage

of low interest rates. Olson of Minnesota suggests a reclassification of property in the interest of the farming population. Erickson of Montana would exempt from taxation grain stored by farmers. Caulfield of Missouri asks for an increase in the income tax rate from one to two per cent. Weaver of Nebraska asks for an increase in the gasoline tax, and for the abolition of local assessors. Bryan of Nebraska recommends an income tax, a repeal of the intangible tax, and a refund of the tax on gasoline used in tractors. He opposes an increase in the gasoline tax.

Larson of New Jersey calls attention to the difficulty encountered by his state in attempting to apply a gross receipts tax to public utilities without excluding interstate business. He opposes an income tax, and advocates a more adequate tax on motor vehicle common carriers. He would retain the tolls from bridges and tunnels after the improvements have been paid for, in order to reduce general taxation. Gardner of North Carolina advocates an increase of two cents in the gasoline tax (making a total of six cents), devoting the increase to taking over the maintenance of all county highways now maintained from the proceeds of the general property tax. He also suggests that the quadrennial revaluation of real estate, due to be made in 1931, be postponed for two years, partly because of lack of data on property values and partly because of the expense to the counties. Governor Shafer of North Dakota suggests that the gasoline tax be increased by one cent per gallon, and that motor vehicle fees be increased; that the basis of taxation of express companies be changed from franchise value to gross earnings, due to the change in their method of doing business; that a more equitable basis of taxation for motor vehicle common carriers be devised; that all stored grain be exempt from taxation; and that a sales tax be placed upon butter substitutes.

The adoption of a constitutional amendment abolishing the uniform rule in Ohio has raised the question of a general revision of the tax system. Governor Cooper, in his exaugural, stresses the necessity of relieving the farmer and home owner, and of providing adequate revenue for schools. Governor White, his successor, favors a tax on intangibles, and is opposed to an income tax. Murray of Oklahoma favors a tax on dividends, and an income tax on public employees as a temporary expedient. Norblad of Oregon asks for a new intangible tax law to replace one invalidated by the state supreme court. Richards and Blackwood of South Carolina suggest an intangible tax, under a newly adopted provision of the state constitution. Green of South

Dakota recommends an income tax, an admissions tax, a tax on all forms of tobacco and on butter and lard substitutes, and a further limitation of exemptions. Horton of Tennessee proposes another cent of gas tax to retire the Smoky Mountain Park debt, and one for secondary roads. Dern of Utah advises against a tax on intangibles as property, and against a sales tax, in favor of a personal and corporate income tax at a low rate and additional excise taxes. Hartley of Washington feels that "the sales tax is the one medium through which values can be restored to property." He also advocates the repeal of the mill tax for university support. Conley of West Virginia asks that authority be given to pay taxes in two installments, and that assessment of real estate be equalized. La Follette of Wisconsin recommends that all dividends, from whatever source derived, be taxed; that the reciprocal inheritance tax law be repealed; and that the income tax department be authorized to go back six years in auditing accounts to determine amounts due. Emerson of Wyoming suggests a constitutional amendment to permit the enactment of an income tax law.

In all of the messages in which new taxes were suggested, it was clearly pointed out that any new revenue should be used principally—or exclusively—for tax relief to real estate. Many of the governors qualified their recommendations by stating that they would favor new taxes only if they were coupled with provisions in the law to prevent tax increases by local governments to absorb the difference.

Administrative Reforms. In three states, the results of comprehensive administrative surveys were presented to the legislatures for adoption. These were Arkansas, Maine, and North Carolina. The first two studies were made by the National Institute of Public Administration, the third by the Brookings Institution. In each case, a reorganization to centralize authority and responsibility in the governor was recommended. Governor Cross of Connecticut, in his message, refers to the surveys which have already been made, and suggests that a legislative committee be appointed to study them and report a new plan to the present session. Larson of New Jersey comments unfavorably on the comprehensive survey made in his state. In his judgment, good personnel is more important than theoretically perfect organization.

New comprehensive surveys are recommended by Governors Shafer of North Dakota, Miller of Alabama, and Hunt of Arizona. Other governors who would make drastic changes in administrative organization, but who do not seem to favor preliminary surveys, include Bryan

of Nebraska, Murray of Oklahoma, Meier of Oregon, and Moody of Texas. Weaver of Nebraska favors the concentration of administration in the hands of the constitutional officers. Green of South Dakota and Horton of Tennessee advise against tampering with the administrative machinery. Proposals for the consolidation of two or more administrative agencies dealing with related work, or for the change of commissions to single-headed agencies, are made by a number of governors. Miller of Alabama proposes the elimination of the tax commission, highway commission, and board of administration; Richards of South Carolina would combine the tax commission with the office of comptroller; Meier of Oregon would replace the utilities commission by a single commissioner; Hartley of Washington would abolish the tax commission in favor of a single commissioner, and would abolish entirely the judicial council and the uniform law commission; Hunt of Arizona asks for concentration of all legal work in the attorney-general's office, and for the consolidation of related work into departments of agriculture, horticulture, and health; Conley of West Virginia would consolidate three welfare agencies into one; Buck of Delaware suggests the consolidation of twenty-two welfare agencies; Gardner of North Carolina would unify highway administration by abolishing the nine highway districts and consolidating the work at Raleigh; Hammill and Turner of Iowa promise to specify the departments to be affected in a special message; Tobey of New Hampshire desires a consolidation of the banking and insurance departments; Richards of South Carolina would abolish the tax commission and warehouse commission and combine others; Emerson of Wyoming would create a livestock sanitary board from two present agencies; Sterling of Texas recommends that the departmental work of the state be knit more closely together.

Centralized purchasing is recommended in Oregon, Rhode Island, Iowa, New Mexico, and West Virginia. Improved budget procedure is asked in Georgia, Delaware, New Hampshire, Oregon, and Vermont. Turner of Iowa would abolish the office of budget director and confer his functions on the state board of assessment and review. He declares that he is in favor of the budget principle, but wishes to economize in personnel. Buck of Delaware feels that the budget should be prepared by a board of which the governor is not a member. Better accounting methods are suggested in Michigan, New Hampshire, Oregon, and Rhode Island. Olson of Minnesota proposes a state printing plant.

Cooper of Ohio asks that the number of special funds be reduced. The treatment of fee receipts as special expendable funds has led to the recommendation that they be paid into the state treasury and subjected to appropriation, by Governors Adams of Colorado, Buck of Delaware, Seligman of New Mexico, Murray of Oklahoma, Norblad of Oregon, Richards of South Carolina, Bulow of South Dakota, Wilson of Vermont, and Hartley of Washington. Centralized collection of revenues is urged by Seligman of New Mexico, and abolition of continuing appropriations by Adams of Colorado.

The creation of a tax commission is recommended by Governors Hardman of Georgia, Horton of Tennessee, and Murray of Oklahoma. Murray would make it the sole tax-collecting agency. Seligman of New Mexico would expand the powers of the board of finance to deal with emergencies. Moody of Texas asks power to veto items in appropriation bills, and suggests that the governor be given continuing control over expenditures. Norblad of Oregon suggests the desirability of an executive pre-audit. Green of Michigan proposes as a means of financial control that the books of the state be closed each year, so that balances remaining at the end of the first year of a biennium would not be available to pay obligations incurred during the second year. Richards of South Carolina thinks there should be an annual independent audit. Seligman of New Mexico, Murray of Oklahoma, and Horton of Tennessee ask for laws against official graft, and Horton suggests a legislative committee to make an official investigation of all state offices. Adams of Colorado wants a longer time after the passage of the appropriation act in which to give it consideration before signature.

Other administrative reforms suggested include a four-year term for governor, advanced by Roosevelt of New York; biennial sessions of the legislature, proposed by Blackwood of South Carolina; elimination of ex-officio members of boards and commissions, advocated by Dern of Utah; and a short ballot for state offices, suggested by Ely of Massachusetts. Rolph of California and Murray of Oklahoma are particularly bitter against commissions which they cannot control, due to overlapping terms. On the other hand, Buck of Delaware feels that one of the greatest weaknesses of the school code is that the terms of all of the members of the board expire at the same time. Ritchie of Maryland advocates a retirement system for state employees. Adams of Colorado would take all department and bureau heads out of the civil

service, to make them entirely subject to the governor's control. Seligman of New Mexico seeks salary standardization for state employees. Meier of Oregon advocates veteran preference in the state service.

Governor Hunt of Arizona describes an interesting situation in his state, where the preceding administration had borrowed money for state purposes from private corporations to avoid calling a special session of the legislature. The lenders, it seems, were very much opposed to such a special session. He recommends the appropriation of funds to repay the loan, but warns against the establishment of a precedent. Emerson of Wyoming reports an interesting experiment in which an unofficial group of private citizens sat in on the preparation of the state budget. Emmerson of Illinois speaks highly of the advisory committee system. Brucker of Michigan would have authority given to the state administrative board to create special commissions for the study of pressing state problems as the need arises. Shafer of North Dakota thinks that the management of the state's mill and elevator properties should be taken from the governor and placed in the hands of a commission.

Local Government. State officers are prone to conclude that local government officers are not wholly capable of managing their local affairs, particularly in matters of finance. Local officers, on the other hand, having recourse to the time-honored plea of home rule, are quite as certain that all wisdom lies with them in such matters. Regardless of the final outcome of this controversy, there seems to be a well-defined tendency for the states more and more to subject local governments to central legislative and administrative control.

Evidences of this tendency are found in the messages of several governors. For instance, Parnell of Arkansas would limit the bonding power of school districts. Rolph of California says that "the state should maintain some centralized supervision of local taxation." He tempers his suggestion, however, by limiting it to "accumulating information and investigating and advising the local taxpayers on the merits of proposed major expenditures or commitments." Other governors go further. Woodring of Kansas would require a vote of a majority of the qualified voters on all bond issues, in the place of a majority of those voting on the question as at present. Shafer of North Dakota believes that the legislature should rigidly limit the purposes for which municipalities may create debts. Horton of Tennessee would limit the issuance of bonds to ten per cent of the assessed valuation

unless two-thirds of the population approve a higher ratio. Conley of West Virginia advocates state supervision over local tax expenditures and budgets. Green of Michigan declares himself in favor of the Indiana plan of supervision over local finance. Weaver of Nebraska would establish strict budget systems for local governments. Christianson of Minnesota recommends that the people of every city and village have a referendum on all local budgets and bond issues. His successor (Governor Olson), on the other hand, recommends the complete removal of tax limits on all local governments. Hartley of Washington would restrict the voting on bond issues in school districts to registered voters, and would provide that a majority might approve the issue if seventy-five per cent of the vote at the last general election were cast. Emerson of Wyoming believes that citizen participation in the making of local budgets might result in considerable economies. Leslie of Indiana points out the need for close supervision of expenditures in state-aid school districts. Pinchot of Pennsylvania suggests that local borrowing power be expanded in times of depression. Case of Rhode Island would rely on publicity to aid in control over local finances, and asks that reports of local financial transactions to a state officer be made compulsory. Blackwood of South Carolina offers the unique suggestion that the state underwrite all local bond issues, thus securing a lower interest rate.

Complete reorganization and modification of local government in New York is recommended by Governor Roosevelt, who asks for a commission to study the subject. He also recommends an investigation of the government of New York City. A survey of county government is recommended by Buck of Delaware. The results of such a county survey in North Carolina were laid before the legislature by Governor Gardner. As a result of the study, he recommends additional restrictions on the borrowing power, and the passage of legislation authorizing counties jointly to use a common jail, county home, health department, and convict camp. Murray of Oklahoma favors the county manager plan, and would abolish townships. In New Jersey, Governor Larson reports the results of a survey of local taxation and finance.

Some of the governors are beginning to see the advantages of the consolidation of local areas to reduce the overhead costs of government. Gardner of North Carolina recommends compulsory consolidation of certain small counties. A similar suggestion is made by Green of Michigan, Horton of Tennessee, Murray of Oklahoma, and Leslie of

Indiana. Brucker of Michigan favors consolidation of local offices. Moody of Texas advocates city-county consolidation.

Education. In discussing the problems of education, the governors face a serious dilemma. The economic condition of most of the states demands retrenchment in public expenditures. Yet retrenchment in school expenditures is not politically popular. Hence, most of the chief executives are content to straddle the issue. The most satisfactory method of straddling in such matters is to appoint a commission; it has the unanswerable advantage of deferring action until "all the facts are available." Such a solution usually satisfies the educators, too. They know that if a "competent" staff is employed to make the survey, a need for greatly increased school support will be conclusively shown. When such a report reaches the legislature, the members throw up their hands at the impossible character of the "needs" shown, and the cycle starts again. Meantime, the schools gradually gain support—or at least do not lose it—and are satisfied.

Survey reports dealing with one phase or another of public education were submitted this year to the legislatures of Arkansas, California, Indiana, Kansas, Montana, New Hampshire, North Carolina, North Dakota, Oklahoma, Tennessee, and Utah. A survey for the ensuing biennium is recommended by Governor Gardiner of Maine.

Changes in administrative organization in connection with the schools are recommended by several governors. Balzar of Nevada would establish a state educational board of seven. Green of Michigan and Hartley of Washington advocate the consolidation of the boards of trustees of the state institutions of higher education. Ross of Idaho and Seligman of New Mexico ask that the schools be "taken out of politics." Murray of Oklahoma suggests that church and political affiliations be disregarded in appointing teachers. Ritchie of Maryland feels that the state university is an unnecessary burden on the taxpayers.

Increased state aid to poor school districts is recommended by nine governors—Graves of Alabama, Hammill of Iowa, Brucker of Michigan, Olson of Minnesota, Caulfield of Missouri, Cooper and White of Ohio, Wilson of Vermont, and Conley of West Virginia. The need for new sources of revenue for this purpose is mentioned in Michigan, Ohio, and West Virginia. Moody of Texas proposes a county unit system, to be supplemented by state aid. Free text-books are suggested by Meier of Oregon and Murray of Oklahoma. Woodring of Kansas

asks for a legislative committee to study the text-book situation in that state.

Economy through consolidation of school districts is suggested by Parnell of Arkansas, Hammill of Iowa, and Cooper of Ohio. Blackwood of South Carolina would eliminate state aid for building purposes, and would substitute attendance for enrollment as a basis for the distribution of aid. Hammill of Iowa and Olson of Minnesota point out that expensive buildings are relatively non-essential to an educational program of high standard. Hartley of Washington would try to equalize supply and demand in teacher-training by establishing a quota for state normal schools. Rolph of California advocates a teachers' tenure act and increased retirement allowances.

Duplication of effort in state institutions of higher education is deplored by Rolph of California, Green of South Dakota, Moody of Texas, Hartley of Washington, and Murray of Oklahoma. Governor Murray offers a comprehensive, but somewhat unintelligent, program for economy in the institutions of higher education in his state by prohibiting sabbatical leaves and supplementary compensation to teachers, by establishing a forty-eight-hour week for university instructors, by discharging thirty per cent of the university staff (which would be rendered unnecessary by the longer hours of work), by abolishing athletics, by eliminating "useless" courses, and by requiring everyone who wished to attend the university to be a graduate of a junior college. No student would be admitted except upon examination. He suggests also a reconstitution of the state board of education so that it will be "a composite of the educational system." Miller of Alabama suggests a need for "more brain and less brawn culture." Rolph of California shares in the criticism of "frills" in modern education, suggesting the need for, and probable economy of, a return to fundamentals. This same sentiment is expressed by Green of Michigan. On the other hand, Dern of Utah waxes eloquent in his defense of modern education and the "enriched curriculum."

Public Utilities. The regulation of public utilities is a vital issue. Cross of Connecticut asks that the public utilities commission be given power to begin proceedings upon its own motion. He also suggests that information on rates, now available in the files of the commission, be published for general distribution over the state, and that the state assume jurisdiction over the accounts and security issues of public utility companies. Ross of Idaho speaks in glowing terms of

the advantages of municipal ownership of water and electric plants, and suggests that municipal corporations be given every encouragement to that end by making municipal ownership possible without a popular referendum. He also suggests that higher salaries be paid to members of the public utilities commission. Olson of Minnesota suggests that an interim committee be appointed to devise a plan for adequate regulation of public utilities.

In Iowa and Texas—two of the few states which do not have utilities commissions—Governors Turner and Moody recommend that such agencies be established. Governors Turner and La Follette suggest that cities be empowered to issue mortgage bonds to acquire or construct utility properties. Woodring of Kansas believes that utility rates should be reduced, but complains that the utility commission has never had adequate funds for the making of studies on the basis of which rates could be lowered. He asks for increased funds, and suggests that they be secured through a tax on the public utility corporations. Caulfield of Missouri counsels the continuance of special appropriations to the public service commission to enable the making of valuations and audits of utilities.

Holding companies are introducing a new complication into utility regulation. Under the laws of most of the states, these financing and management corporations are not subject to state control. Payments by operating to holding companies form an element of cost of operation which must be subjected to control if state supervision is not to lose its meaning and effect as a safeguard of the public interest. Governors Ely of Massachusetts, Tobey and Winant of New Hampshire, Roosevelt of New York, Pinchot of Pennsylvania, Moody of Texas, and La Follette of Wisconsin call attention to this problem and recommend appropriate legislation.

Governors Olson of Minnesota, Bryan of Nebraska, Roosevelt of New York, Meier of Oregon, Wilson of Vermont, and La Follette of Wisconsin recommend that these states develop their own water power resources rather than wait for private capital to undertake the enterprise. Moody of Texas would prevent the alienation of public water power resources. Olson of Minnesota, Caulfield of Missouri, and Meier of Oregon suggest legislation to require permits from the state for the building of dams across interstate streams.

Governor Olson also suggests that the federal government, in its canalization of the upper Mississippi, use the water power thus im-

pounded for the generation of electricity for distribution to adjacent cities. Meier of Oregon visualizes a similar development on the Columbia River at Umatilla Rapids, and Governor Balzar of Nevada commends the Boulder Dam project for similar reasons.

The propaganda of the electric utilities comes in for special condemnation at the hands of La Follette of Wisconsin. Pinchot of Pennsylvania is making the breaking of the political influence of the power trust and its control of the state utility commission his first order of business in carrying out his campaign pledge to the people for fair utility rates. He would abolish the commission and establish a fair-rate board elected by the people.

More adequate regulation and higher taxation of motor vehicle common carriers is recommended by thirteen governors—Graves of Alabama, Parnell of Arkansas, Leslie of Indiana, Woodring of Kansas, Gardiner of Maine, Brucker of Michigan, Caulfield of Missouri, Weaver of Nebraska, Seligman of New Mexico, Shafer of North Dakota, Halloway of Oklahoma, Moody of Texas, and Wilson of Vermont. Meier of Oregon advocates the repeal of the "certificate of convenience and necessity" act.

Two governors, Winant of New Hampshire and Shafer of North Dakota, view with alarm the recent announcements of the Interstate Commerce Commission looking to the consolidation of railroads into major trunk-line systems. Both fear stifled competition and resulting loss of service and increased rates. Bulow of South Dakota recommends the abolition of the state railroad commission, as an agency which has outlived its usefulness. He suggests that a rate expert in the attorney-general's office could handle all rate questions satisfactorily and with greater economy.

Federal-State Relations. The usual executive complaints about federal encroachment on state sovereignty are conspicuously absent from the 1931 messages. It is quite likely that recent federal appropriations for drought and unemployment relief have been sufficiently popular in the states to make criticism of the federal government dangerous. It is interesting to note, after such vigorous denunciations as those of 1925, 1927, and 1929, how eagerly the governors are now looking to the federal government for aid. Emmerson of Illinois speaks enthusiastically of federal aid on the Illinois waterway, although in the next breath he denounces federal interference with railroad rate-making. Christianson of Minnesota commends federal enterprise in

developing the upper Mississippi River for navigation, and suggests federal generation and distribution of electric power. Balzar of Nevada frankly gives credit to the federal expenditures in Nevada (for the Boulder Dam and Naval Armament Depot) for alleviating the depression and unemployment. Ross of Idaho asks more federal irrigation work. Rolph of California promises coöperation with the federal authorities on irrigation and reclamation projects. Meier of Oregon is optimistic about the possible federal dam and canal on the Columbia River at Umatilla Rapids—referring to it as “the Boulder Dam of the North.” Shafer of North Dakota and Green of South Dakota look with longing eyes toward Washington for aid in the development of the upper Missouri River for navigation. Bryan of Nebraska suggests federal aid for irrigation projects in the western part of his state.

Memorials to Congress are proposed. Some have already been mentioned. Others include requests for the passage of the Muscle Shoals bill, the McNary-Haugen bill, and the Norris resolution, proposed by Bryan of Nebraska, and for application of the immigration quota law to immigrants from Mexico, suggested by Hunt of Arizona.

Seligman of New Mexico and Meier of Oregon recommend the ratification of the child labor amendment. Roosevelt of New York asks for a state constitutional amendment to permit referenda on the adoption of amendments to the constitution of the United States. Evidently he is not familiar with Ohio’s experience in this connection.³

Old Age Pensions. Ten governors (Green and Brucker of Michigan, White of Ohio, Ross of Idaho, Meier of Oregon, Hunt of Arizona, Buck of Delaware, Cross of Connecticut, Pinchot of Pennsylvania, and Olson of Minnesota) recommend the adoption of old age pension laws. Two others (Murray of Oklahoma and Bryan of Nebraska) recommend a study of the problem. Roosevelt of New York feels that such pensions should be made contributory. Ely of Massachusetts asks that the age of beneficiaries under the existing act be reduced. Emerson of Wyoming asks that the law in that state be made effective by adequate fiscal provisions.

Elections. Governor Leslie of Indiana asks for the repeal of the primary law. Ross of Idaho, on the other hand, recommends that the primary be extended to state and district offices. Hunt of Arizona and La Follette of Wisconsin suggest that any candidate receiving a

³ See *Hawke v. Smith*, 253 U.S. 231.

majority of all the votes cast at a primary should be declared elected. Olson of Minnesota would change the state-wide primary from a closed to an open one. Bryan of Nebraska asks for an amendment of the primary law to avoid a repetition of the Norris episode. Norblad of Oregon would eliminate the long period between the primary and the election in his state by moving the primary date down to September. He also advocates the elimination of the numbering of the names of the candidates on the ballot, claiming that it aids the political machines to use the ignorant voter. Permanent registration is recommended by Caulfield of Missouri and Ross of Idaho. Bryan of Nebraska would remove the party circle from the ballot.

Commissions to revise the election laws were reported to be at work in Michigan and Illinois. A proposed new code was submitted by Pinchot in Pennsylvania, as one blow against election frauds in Philadelphia. Hunt of Arizona recommends a general revision of the primary and election laws. Ely of Massachusetts asks for a short ballot for the state government by making several offices now elective appointive by the governor. Ross of Idaho points out that although the voters had adopted a constitutional amendment providing for the initiative, referendum, and recall, only the initiative had ever been made effective by legislation. He asks that this law be changed to permit the approval of initiated measures by a majority of those voting on the question, and that the referendum and recall provisions of the constitution be made effective.

Conclusion. Lack of space forbids a consideration of many topics, such as the judiciary, court procedure, public land policies, and others. A few striking features must suffice for a conclusion; to attempt a summary would be like trying to epitomize a dictionary.

One oft-repeated phrase cannot be neglected. Many governors suggest that contracts and employment should be limited to citizens of their state, and that the people should become "state conscious" to the extent of buying only products made in the state, where these are available. This infantile and wholly indefensible policy is advocated not only by newly chosen chief executives, but also by many whose experience should have taught them better economics. No state in our Union—yea, not even the Union itself—is sufficient unto itself. Business defies state lines—even international boundaries. Economic progress lies, not in developing at high cost in ill-adapted locations new ventures designed to aid a state or nation to achieve self-suf-

iciency, but in encouraging the fullest development of every industry at its most advantageous center from the standpoint of raw materials and distribution of the finished product. And that is what is going to happen in the United States and in the world, all the speeches of governors and secretaries of chambers of commerce to the contrary notwithstanding. The tariff may modify these economic laws somewhat; but certainly, with federal control over interstate commerce, no such legal fiat can set up barriers at state lines. Even such a wish as is expressed in the messages is the embodiment of local selfishness at the expense of national and public welfare.

Two governors (Buck of Delaware and Bryan of Nebraska) advocate public sale of gasoline to afford competition. Shafer of North Dakota reports the success of that state's mill and elevator and state bank. Bryan of Nebraska advocates the establishment of a state bank as an alternative to the reenactment of the bank guaranty law.

Gardner of North Carolina recommends a constitutional convention. Murray of Oklahoma suggests the creation of a citizen commission to recommend amendments to the constitution, as did Byrd in Virginia. Ritchie of Maryland comments upon the approval by a small vote of a proposal for a convention in that state, pointing out that there is a question as to the sufficiency of this approval, as some maintain that a majority of those voting at the election is required. The legislature may resolve this difficulty by enacting legislation to call the convention. Hunt of Arizona would avoid the end-of-the-session rush by eliminating the sixty-day limit on pay of members, or by a split session. Erickson of Montana suggests a reduction in the size of the legislature. More bizarre than most is the suggestion of Murray of Oklahoma that legislators be insulated from the lobby and other sinister influences by building a legislative dormitory near the capitol where the members would be required to live during the session. La Follette of Wisconsin would provide machinery similar to the legislative council of the Model State Constitution to frame legislation during recesses of the legislature. Cross of Connecticut asks for a strengthening of the veto power by requiring an extraordinary majority of the legislature to overrule, instead of a simple majority as at present. He also desires a longer time after the adjournment of the legislature to consider bills passed in the closing hours of the session.

HARVEY WALKER.

Ohio State University.

Legislative Pardon for Impeachment in Texas. On September 25, 1917, the senate of Texas, sitting as a court of impeachment, pronounced against Governor James E. Ferguson the judgment of removal from office and disqualification to hold office in Texas. Eight years later, Mrs. Miriam A. Ferguson, wife of the impeached governor, occupied the gubernatorial chair, and at her urging the legislature passed an amnesty act undertaking to dissolve all persons against whom any judgment of conviction had been theretofore rendered by the senate in any impeachment proceedings from such judgment and the effects and consequences thereof. Before its passage, the attorney-general ruled that the measure was unconstitutional; and the succeeding legislature repealed it.¹

It was contended by ex-Governor Ferguson that the passage of the amnesty act and his compliance with its provisions had operated to terminate the effect of the senate's judgment as to his eligibility for office; and in April, 1930, he filed an original petition for mandamus in the supreme court to compel the state Democratic executive committee to certify his name for a place on the Democratic ticket as a candidate for governor in the July primary.

Two of the regular members of the supreme court disqualified themselves, and Governor Moody appointed special justices in their places. On May 23, 1930, the court unanimously ruled that the amnesty act was unconstitutional.² Disregarding the briefs and arguments of counsel concerning the history, legislation, and judicial decisions relating to impeachment, the court found the solution of its problem in the provisions of the state constitution. The pardoning power, it pointed out, is by the constitution (Art. IV, sec. II) conferred upon the governor; but the constitutional provision positively excepts impeachment from the pardoning power of the executive. Where the constitution grants a power and prescribes the means for its exercise, such means are exclusive of all others. Had the constitutional convention intended that an officer convicted of impeachment should be subject to pardon by the legislature, or by any other department of the government, it would have provided accordingly. In a previous decision, the court had held that where the constitution declares qualifications for office, it is not within the power of the legislature to change or add to these

¹ See this *Review*, Vol. XXIV, pp. 653-653 (August, 1930).

² *Ferguson v. Wilcox et al.*, 23 S.W. (2d) 526-536 (1930).

qualifications.³ If the legislature cannot add to the qualifications, it undoubtedly may not take away disqualifications, provided by the constitution. In the trial of impeachment cases, the senate is a court of original, exclusive, and final jurisdiction, whose judgment of impeachment can be called into question only for lack of jurisdiction or excess of constitutional power.⁴ No express or implied power can be found in the constitution authorizing the legislature to nullify the judgment of the senate in case of conviction of impeachment.

Overruling a motion for rehearing, the court said: "The disqualification to hold office in Texas by one who has been impeached is in keeping with the governmental policy of this and the other states of the United States."

FRANK M. STEWART.

University of Texas.

³ *Dickson v. Strickland*, 265 S.W. 1012, 1015 (1924).

⁴ *Ferguson v. Maddox*, 263 S.W. 838 (1924).

JUDICIAL ORGANIZATION AND PROCEDURE

EDITED BY WALTER F. EODD
Yale University Law School

The Course of Judicial Review in the State of Ohio. The first constitution of Ohio was framed in 1802, and was not submitted to popular vote for approval. Fashioned by followers of Thomas Jefferson, the new government had as its cardinal principle the doctrine of legislative supremacy. With no power over patronage, and with the veto power denied to him as well, the governor was but a "shadow executive." Since the judges were appointed by the legislature for the limited term of seven years, the judiciary also played a subordinate rôle.

Although the fundamental character of the constitution was conceded, it was a question in the mind of many as to who should determine the nature and scope of that instrument.¹ To ardent Jeffersonians, this matter presented little difficulty; in their judgment, the legislature was fully competent to settle any question that might arise as to the nature of the constitution.

The first legislature under the new constitution met in 1803. Many members of the body had served in the constitutional convention of 1802; in fact, one-third of the members of the convention were elected to the first General Assembly of the state, and the leaders of the convention became leaders in the legislature as well. These men were not greatly impressed with the idea that their work in the convention in one year should control them in the legislature the next year.

The Federalist sympathizers in this first legislature, who were in the minority, had an altogether different idea as to the proper merits of the opposing principles of legislative supremacy and judicial review. Before the year was over, this group was to receive considerable encouragement from the Federalist chief justice of the United States Supreme Court, John Marshall, who, in the case of *Marbury v. Madison*,² asserted the proposition that a constitution is fundamental law, that legislative and executive powers are limited by this fundamental law,

¹ *Journal of the Senate of the State of Ohio: First Session of the Legislature, held under the Constitution of the State, A.D. 1803, and of the United States the Twenty-seventh* (Chillicothe, 1803), I, pp. 1-110.

² 1 Cranch 137 (1803).

and that the courts, as interpreters of the law, must preserve and defend the constitution.³ This principle had already been adopted in a number of states. Stimulated by Marshall's opinion, it was shortly thereafter accepted in many more.⁴ Ohio may be included in this latter group.⁵ Her first case of judicial review was in 1806.

In that year, Calvin Pease, sitting as presiding judge of the common pleas court in Belmont and Jefferson counties, was called upon to decide cases arising under a statute passed by the legislature in 1805 relating to justices of the peace. In deciding these cases, Judge Pease held certain sections of the statute to be in conflict with the constitution of the United States and of the state of Ohio, and therefore null and void.⁶ The decisions by Judge Pease aroused great opposition. When the legislature convened in 1806, the question of bringing articles of impeachment was strongly considered. After extended deliberation, however, the matter was dropped.

In August, 1807, the same law that had evoked the Pease decision came before the supreme court of Ohio in the case of *Rutherford v. McFaddon*.⁷ In this proceeding, the court for the first time asserted the right of invalidating an act of the legislature on the ground that it was unconstitutional. The judges sitting in this case contended that judicial review was a natural outgrowth of two principles—the separa-

³ The opinion of Marshall did not lay down a doctrine that was new. The principle that an act of legislation contrary to the law under which a legislative body is organized is invalid was familiar in this country long before the Constitution was adopted. Before the Revolution, colonial legislation was frequently subjected to review by the Privy Council, and both before and after the adoption of the federal Constitution, state courts in a number of states had held state statutes in conflict with state constitutions to be invalid. Arthur M. Schlesinger, "Colonial Appeals to the Privy Council," *Political Science Quarterly*, XVIII, 279, 433. Cf. Charles G. Haines, *The American Doctrine of Judicial Supremacy*; Charles Warren, *The Supreme Court in United States History*.

⁴ By 1818, the power of the courts to pass upon the constitutionality of legislation was recognized in every state but Rhode Island, and the courts were largely following the lead of Marshall in proclaiming the independence of the judicial department.

⁵ The doctrine of judicial review, as stated by Justice Woodbury of New Hampshire in 1818, came to be the rule adopted in every state. See Merrill v. Sherburne, 1 N. H. 204.

⁶ *Western Law Monthly*, Vol. 7, p. 4 *passim* (June, 1863).

⁷ The reported cases of the supreme court of Ohio do not antedate 1823, the year when the sessions *en banc* were inaugurated. However, the opinion in the case of *Rutherford v. McFaddon* was printed in the *Scioto Gazette* and reprinted in the *Liberty Hall and Cincinnati Mercury*, Nov. 3 and 10, 1807. See also *House Journal of the Seventh General Assembly*, 123.

tion of powers and the recognition of a written constitution as the supreme law.⁸

The next legislature met in December, 1807. Headed by Thomas Worthington, an investigating committee reported a resolution "that the judges of this state are not authorized by the constitution to set aside any act of the legislature by declaring the law unconstitutional or null and void."⁹ This resolution was approved by the House, but did not pass the Senate. In 1808, the court question was perhaps the chief issue between Samuel Huntington, the chief justice, and Thomas Worthington, rival candidates for governor. Huntington, with Federalist support, was elected. The anti-court Republicans, however, were in the majority in the General Assembly, and reported articles of impeachment against Judges Tod and Pease.¹⁰ They, however, failed by one vote to secure the two-thirds necessary for removal.¹¹

The year 1809 brought an attack from another angle. By provision of the constitution of 1802, many appointive offices, including judgeships, were for terms of seven years. The original commissions were issued in the spring of 1803. It was generally understood that a number of vacancies were to be filled by the legislature in 1810. But when the legislature of 1809-10 met, a resolution was passed declaring that the constitution was to be interpreted as vacating *all* seven-year appointments in 1810, not excepting cases in which the current incumbent had been appointed to fill a vacancy caused by the death or resignation of the original holder.¹² By use of this provision, the anti-court group, through its majorities in both houses, was able to reconstruct

⁸ Judge Sprigg did not sit in the case, and the opinion was given by Judges Huntington and Tod. The opinion of Chief Justice Huntington sets forth most completely the position of the court, with Judge Tod supporting the position. It is of interest to note that Calvin Pease, George Tod, and Samuel Huntington were all natives of Connecticut. They practiced law in Connecticut for a time and were admitted to the Ohio bar at the same time. Judge Tod had been a student at Judge Reeves' famous law school at Litchfield, Connecticut.

⁹ *Liberty Hall*, January 11, 1808. *House Journal of the Sixth General Assembly*, 43.

¹⁰ *House Journal of the Seventh General Assembly*.

¹¹ In using the impeachment power as a weapon against the judiciary, the Ohio anti-court group followed the tactics of Jeffersonians in the national government. Since most state courts were under legislative control, the impeachment process was not employed. In Pennsylvania, however, the Jeffersonians used it.

¹² The term of Judge Pease, who was appointed in 1803, would have terminated in 1810 in any event; but Judge Tod had been appointed in 1806. Under the previous interpretation, the latter would have continued in office until 1813. Nevertheless, he was removed.

the judicial personnel of the state.¹³ This action was not, however, without serious consequences.¹⁴

The "sweeping resolution," as it was called, caused more excitement in Ohio than any other political event since the Aaron Burr conspiracy.¹⁵ The division of opinion in the Jeffersonian ranks produced by the impeachment of the judges in 1808 was widened further, and many of the moderate Jeffersonians were driven into the ranks of the Federalists. To offset this movement, Tammany societies were organized in Ohio to strengthen the party; and in a short time, the Jeffersonians were divided into definite Tammany and anti-Tammany groups.¹⁶ The matter rested there until these groups were finally reunited, when winning the war of 1812 became the overshadowing problem. With that problem before the country, the struggle over the courts subsided and the doctrine of judicial review gained recognition as a fundamental principle of government.

Although the power of judicial review was quite generally accepted after this period of conflict, it was a long time before it came to be exercised extensively. The supreme court was content to move slowly at first. In pursuing this careful policy, it followed the example of the Supreme Court of the United States and the high courts of other jurisdictions. Cases in which it assumed the power to act usually concerned matters involving the constitutional rights of the court itself.¹⁷ The case of *Ester Bingham v. Amos Miller*, decided in 1848, is in point.¹⁸

The question presented here was the legislature's power to grant divorces. By special act, on March 8, 1843, the legislature granted Ralph

¹³ As a result of the resolution, the three supreme court judges, three president judges of the common pleas courts, all the associate judges of that court (more than a hundred in number), and all of the justices of the peace, were removed at one fell swoop. Rufus King, *Ohio, First Fruit of the Ordinance of 1787* (1888), p. 314.

¹⁴ *Western Law Monthly*, Vol. II, p. 1.

¹⁵ For a complete and interesting account of the struggle in Ohio over judicial review; see William T. Utter, "Judicial Review in Early Ohio," *Mississippi Valley Historical Review*, Vol. XIV, pp. 3-26.

¹⁶ William T. Utter, "Saint Tammany in Ohio; a Study in Frontier Politics," *ibid.*, Vol. XV, pp. 321-340.

¹⁷ For a list of laws invalidated by the early courts, see Charles G. Haines, *The American Doctrine of Judicial Supremacy*, p. 288.

¹⁸ 17 Ohio Rep. 445 (1848).

Bingham a divorce from his wife Ester.¹⁹ The defendant denied the legislature's power to grant such a divorce. She was sustained in this contention by the supreme court, which declared that the matter of divorce was by its very nature judicial and, as such, not within the jurisdiction of the legislature.²⁰

This case presents the type of problem which prompted the court to exercise judicial review. The power of the courts is involved. The supreme court will assert its power to assist the cause of the judiciary. In this particular case, it would seem that it is bent not only on protecting the existing powers of the judiciary, but on actually adding to them.²¹

Up to this time, however, critics of the judicial power had small ground for complaint. As a matter of fact, during the first half-century of statehood, there were only seven officially reported cases in which the Ohio supreme court declared acts of the state legislature invalid, in whole or in part, on constitutional grounds. Such restraint could not last forever.

In 1851, a new constitution was adopted which provided, among other things, for popular election of judges and stricter constitutional limitations. Encouraged to use their power more freely, the courts pro-

¹⁹ 41 *Ohio Laws*. Nineteen divorces were granted at this session by the General Assembly.

²⁰ In arriving at this decision, Judge Reed did more than question the legislature's power to grant divorces. He boldly maintained not only that the legislature had assumed power not delegated to it, but that it had usurped powers expressly conferred by the constitution upon the courts. This view becomes one of more interest when compared with the statement made twenty years earlier by Judge Hitchcock in the case of *Heirs of Ludlow v. Johnson*, 3 Ohio 563 (1828). In that case, Judge Hitchcock held that the constitution actually conferred no specific jurisdiction upon the courts, but merely made them capable of receiving such jurisdiction at the hands of the legislature. This is an altogether different view from the one held by Judge Reed. A close examination of the books reveals that changes in the practices of the court between 1828 and 1848 agree quite closely with the change in the tone of the above assertions. This trend in Ohio is in keeping with a general movement taking place in our state governments during that period, in which a gradual readjustment between the legislative and judicial branches was being effected. See Arthur N. Holcombe, *State Government* (1926), pp. 109-143.

²¹ The constitution of 1802 made no mention of where the power to grant divorces rested, and in practice the legislature had granted divorces from the beginning.

ceeded to do so.²² Since 1851, it is safe to say, the supreme court has declared acts of the legislature invalid in no less than 200 cases.²³

A number of factors have contributed to this change of attitude. In the first place, there was an increase in the volume of state legislation. Then, too, a more favorable attitude toward the courts had developed. The legislature was blamed for several sad experiences encountered during the thirties and forties, when the state was going through a period of inflation. Losing confidence in the legislature, the people looked hopefully toward the judiciary. This attitude was not peculiar to Ohio.²⁴ It was apparent in all of the states. As a matter of fact, the Civil War period may be said to introduce a new era in many respects in American judicial history. From that time on, judicial power expanded rapidly the country over.²⁵ In Ohio, this activity increased rather than diminished with the passage of years.²⁶

During the latter part of the nineteenth century, the agricultural economy of early Ohio gave way to a new urban, industrial order. A great mass of legislation was passed to meet the changing needs of the state. It was a trying time for the courts. Old landmarks lost their significance. Much of this new legislation demanded by an industrial society collided with the traditional constitutional and legal principles developed in an agricultural society. When, because of modern condi-

²² See Joseph H. Hixson, *The Judicial Veto in Ohio* (master's thesis, Ohio State University, 1922), p. 23.

²³ Mr. Jackson H. Ralston, who has compiled a list of state laws held unconstitutional by state courts from 1853 to 1916, lists Ohio as having 132 laws declared unconstitutional up to 1916. Mr. Ralston makes no pretense to absolute accuracy. See *Study and Report for the American Federation of Labor upon Judicial Control over Legislatures as to Constitutional Questions* (1923), p. 91.

²⁴ Between 1790 and 1850, the United States Supreme Court held 32 measures unconstitutional; between 1850 and 1911, some 247.

²⁵ Whereas laws had formerly been invalidated by the courts to protect their own constitutional rights, they were now invalidated because of defective legislative procedure, or because of conflict with the "due process of law" clause of the federal constitution, or its equivalent in the state constitution. The growing complexity of state constitutions and the increasing number of limitations also encouraged judicial supervision over statutory enactments. Moreover, there arose a tendency in many quarters to construe constitutional limitations as limiting the legislative powers very strictly. See *Ohio Constitution*, Sec. I, Art. 20.

²⁶ It was the same elsewhere. In the brief span between 1903 and 1908, 400 state laws were held invalid by the courts, state and federal. Charles G. Haines, *The American Doctrine of Judicial Supremacy*, p. 307. All but 28 of these vetoes were by state courts.

tions, a new policy such as a compulsory compensation law was adopted, there was a fair possibility that it would be held invalid by the courts as in violation of the state constitution. An amendment to the constitution was the only method of relief in such cases. When Ohio amended its constitution in 1912, it included a provision authorizing legislation with regard to mechanics' liens; a provision authorizing legislation fixing and providing for the comfort, health, safety, and general welfare of employees; a provision authorizing workmen's compensation; and a provision prescribing an eight-hour day on public work.²⁷

The members of the constitutional convention of 1912 were not content to protect these newer types of legislation by constitutional safeguards. They were determined to limit the powers of the court to interfere with such legislation. This sentiment was encouraged by Theodore Roosevelt, who made a speech before the convention in which he advocated a system of control through the recall of judicial decisions.²⁸ Although generally sympathetic with the Roosevelt point of view, the convention was not prepared to accept his plan.²⁹ As a matter of fact, it had great difficulty in reaching an agreement on any of the plans proposed. One member suggested an amendment providing that the supreme court should have no right whatever to pass upon the constitutionality of legislative acts. Each department should be held responsible for its own acts, and should be prohibited from overlapping

²⁷ Unfavorable judicial decisions were responsible for the amendments dealing with mechanics' liens and hours of labor on public work. Laws concerning these matters had been annulled as contravening the broad guarantees of the Ohio constitution which compare to the "due process" clause in other constitutions. The other two amendments were added to prevent possible judicial annulment in the future. Two of the amendments expressly provided that no other provision of the constitution should restrain or limit the powers so granted. See *Palmer v. Tingle*, 55 Ohio St. 423 (1896); *Cleveland v. Clement Bros. Cons. Co.*, 67 Ohio St. 197 (1902); *Steele, Hopkins, and Meredith v. Miller*, 92 Ohio St. 115 (1915) [bulk sales law], cited in Walter F. Dodd, *State Government*, pp. 125.

²⁸ *Proceedings and Debates, Ohio Constitutional Convention, 1912*, Vol. I, p. 385.

²⁹ In Colorado, Roosevelt's proposal was adopted during the same year in the form of a constitutional amendment authorizing the people, by the same procedure as that provided for the direct initiative, to order the enforcement of a statute which had been duly enacted by the legislature and approved by the governor, but held invalid by the Supreme Court. The provision was held unconstitutional by the state supreme court. *People v. Western Union Telegraph Co.*, 70 Colo. 90 (1921); *People v. Max*, 70 Colo. 100 (1921).

or overriding the work of another department. The initiative and referendum provided for in the constitution should be used to pass upon the constitutionality of legislative acts. This member was vigorously opposed to any scheme whereby unconstitutionality should be determined by any other power than the people. This plan was rejected, however, as were several others.

After much deliberation, a proposal was adopted by the convention which provided that "no law should be held unconstitutional without the concurrence of all but one of the judges, except in the affirmance of the judgment of the court of appeals declaring a law unconstitutional."³⁰ The supreme court was further limited by making the court of appeals very largely a court of final appeals.³¹ However, in cases of public or general interest, the supreme court might, within such limitation of time as might be prescribed by law, direct any court of appeals to certify its record to the supreme court, and might renew and affirm, modify or reverse, the judgment of the court of appeals. This plan was accepted by the people of Ohio, and is in effect today.

Unfortunately, the plan of permitting a minority of the court to control has not proved altogether satisfactory. The supreme court has expressed its impatience with this limitation on several occasions, and with very good reasons. Due to the strictness of the requirement, the majority of the court is forced to permit decisions to be handed down which are contrary to its convictions; or members of the minority are

³⁰ In 1914, a similar plan was submitted to the people of Minnesota. It was approved by a majority of those voting on it, but failed of adoption because of the failure of a majority of all those attending the polls to vote for it, as required by the state constitution. In 1918, a constitutional amendment was adopted in North Dakota providing that "in no case shall any legislative enactment or law of the state of North Dakota be declared unconstitutional unless at least four of the judges shall so decide." Since North Dakota has only five judges, this is much the same as the Ohio provision. In 1920, Nebraska adopted a constitutional amendment requiring the concurrence of five of its seven judges. See R. E. Cushman, "Constitutional Decisions by a Bare Majority of the Court," *Michigan Law Review*, XIX, 771-803 (1921).

³¹ One of the delegates made an examination of cases in the Ohio State Reports from 63 Ohio State to 84 Ohio State, with the purpose of finding the number of cases where individual interest came in conflict with a corporation interest, and where the individual received a favorable decision in the circuit court, only to have this decision reversed in favor of the corporation in the supreme court. He found thirty-three such cases. *Proceedings and Debates, Ohio Constitutional Convention, 1912*, Vol. II, pp. 1092-1101.

forced to concur with the majority to make the real opinion of the court effective.³² Since the adoption of the constitutional provision, there have been nine clear cases of minority control of the decision of the court.³³ Other cases might be mentioned, but without complete assurance.³⁴ Cases of minority control seem to be on the increase. A survey of the supreme court reports shows one such case in 1918, one each in 1923 and 1925, four in 1927, and two in 1929.

In four cases of minority control, the action of the court was determined by three judges; while in five cases, two members of the court controlled its action. In the course of a recent decision of this sort, the court said: "While members of the court deplore such a constitutional provision, one which permits judicial control over grave constitutional questions by a minority vote, the fault lies, not in the court, but in the constitutional provision which produces such a result."³⁵

In 1930, a case came before the United States Supreme Court testing the validity of this provision.³⁶ It was attacked as violating those sections of the federal constitution which provide for due process of law and equal protection of the law. It was also argued that the provision denied the state of Ohio a republican form of government as guaranteed by the federal constitution. The Supreme Court swept

³² This discussion is based on a study made by Mr. W. Rolland Maddox, of the University of Michigan. See W. Rolland Maddox, "Minority Control of Court Decisions in Ohio," in this *Review*, Vol. XXIV, pp. 633-648 (Aug., 1930).

³³ *Barker et al. County Commissioners v. City of Akron*, 98 Ohio St. 446, and 121 N.E. 46 (April 2, 1918); *DeWitt v. State ex rel. Crabbe*, Attorney General, 108 Ohio St. 513, and 141 N.E. 151 (Nov. 13, 1923); *City of East Cleveland v. Board of Education*, 112 Ohio St. 507, and 148 N.E. 350 (May 26, 1925); *Fullwood v. City of Canton*, 116 Ohio St. 732, and 158 N.E. 171 (March 29, 1927); *Myers v. Copelan, Chief of Police et al.*, 117 Ohio St. 522, and 160 N.E. 855 (Oct. 26, 1927); *State ex rel. Jones v. Zangerle, Auditor*, 117 Ohio St. 507, and 159 N.E. 564 (Dec. 21, 1927); *State ex rel. Williams v. Industrial Commission of Ohio*, 116 Ohio St. 45, and 156 N.E. 101 (March 3, 1927); *State ex rel. Bryant v. Akron Metropolitan Park District for Summit County et al.* 166 N.E. 407 (Mar. 27, 1929); *Shook et al. v. Mahoning Valley Sanitary District et al.*, 166 N.E. 415 (March 27, 1929).

³⁴ *Morton v. State of Ohio*, 105 Ohio St. 366, and 138 N.E. 45 (1922); *Royal Green Coach Co. v. Public Utilities Commission*, 110 Ohio St. 41, and 143 N.E. 547 (1924).

³⁵ *State ex rel. Jones v. Zangerle, Auditor*, 117 Ohio St. 507, and 159 N.E. 564 (1927). For further criticisms, see *Ill. Constitutional Convention Bulletin* (1920), pp. 857-858.

³⁶ *Bryant v. Akron Metropolitan Park District*, 281 U.S. 74.

aside all of these contentions. It held that the right of appeal to a higher tribunal is not required by due process of law, and that the state was therefore free to impose any restriction upon appeals to the state supreme court which accorded with its view of public policy.

The claim that the provision denied equal protection of the law was based on the fact that a state statute might be held valid in a case arising in one county of the state and invalid in another, depending upon whether the decision of the supreme court happened to affirm or reverse the decision of the court of appeals. Chief Justice Hughes pointed out, however, that there is no requirement of the federal constitution that a state shall adopt a unifying method of appeals which will insure to all litigants within the state the same decisions on particular questions that may arise. The Court ruled out the argument based on the supposed destruction of the guarantee of a republican form of government, on the ground that it was a political question.

From all appearances, this provision of the Ohio constitution will remain in effect for some time to come. Although hampered by the restrictions of 1912, the power of the supreme court in relation to the other branches of the government remains essentially unimpaired. Although the balance of control within the court may have shifted, and some curious results are undoubtedly produced, the power of judicial review in Ohio retains practically the same form and strength that it possessed during the days of its growth. At least, the coördinate position of the judiciary among the several branches of the state government remains unchallenged.

F. R. AUMANN.

Ohio State University.

FOREIGN GOVERNMENTS AND POLITICS

Nature and Aims of the National Socialist German Labor Party. The last election to the Reichstag brought the unexpected and rather extraordinary rise of the National Socialist German Labor party from twelve to 107 seats. It is the party of the extreme right. In nationalistic radicalism, it compares with the German National People's party, led by Hugenberg, much as in social radicalism the Communist party compares with the Social Democrats. Until recently, the National Socialists could be passed over as a negligible group of fanatics. But the party's present importance as the second strongest in the Reichstag, and the contradictory and confused ideas that are current about it, make worth while some inquiry into its nature and the causes of its rapid advance.

To start with, the party differs from its rivals in that personal leadership and military discipline are at its foundations. Besides having contributed more than any other single man to the building up of the party, Adolf Hitler is also its leader in the strictest sense of the word. A few facts about his life may show how it was that he could become the exponent of so large a number of German people.

Hitler was born in Austria in 1889 and until his fifteenth year lived in modest bourgeois surroundings, his father being a lower state official. This explains why he always has been, and still is, at heart a man of the middle classes. After the death of his parents, he was forced to earn his living as an unskilled laborer, and for some five years he lived the life of a proletarian among proletarians, completely cut off from his former middle-class environment. During this experience, he developed an attitude of rebellion against what he considered the injustice of our social structure. At the same time, his middle-class background caused him to oppose the solution which Marxian socialism offered. He explains that he thought it preferable to lift the proletarians into the middle class, rather than to level the whole population down to the proletarians. Also, the ideal of an international brotherhood seemed to him vague and objectionable. Through his study of history as a boy (in his autobiography he speaks of his history teacher as one above the average), he had come by the conviction that individual, national states are preferable to internationalism. Instead, then, of becoming an adherent of the teachings of Marx, he worked his way back into the middle classes.

Here is one reason why Hitler could become the exponent of a large number of Germans today: the middle classes, who lost most of what they possessed during the war and the inflation period, begin to realize that, economically speaking, they are proletarians; since they have not much to lose, they might as well join the Socialists or the Communists. But they rebel against being proletarianized; they struggle to maintain their middle-class ideas and ideals in spite of the changed economic situation. They are searching for a way in which this can be accomplished. Since their experience is similar to that of Hitler, they feel drawn to the solution which Hitler has worked out.

A further factor increases Hitler's identification with a large number of Germans. When the war broke out, Hitler, who at that time lived in Munich, entered the German army and fought with deep conviction until 1918. After the armistice, he was one of the many who believed that the revolution—that is, as he says, Marxism—had broken the back of the victorious army, and who for this reason, and because it tried to relegate him to the shelf, opposed the new republican and democratic régime. There is a large number of people who, like Hitler, resent the belittling of their efforts during the war, and to whom it would mean moral death if they came to believe that the sacrifices during the war were made for an illusion. By affirming Germany's past, and especially the war, Hitler has not only the large officer and ex-officer caste on his side, but also a considerable section of the non-proletarian masses.

Linked up with his hatred of Marxism is Hitler's prejudice against the Jews. In Vienna, he came in contact with the worst representatives of the Jewish race, i.e., Eastern Galician Jews—which may explain his extreme dislike of all Jews. In his autobiography, he rationalizes his anti-semitism by giving as its explanation the "poisonous" Jewish teachings of Marx, and the fact that the leaders of the Socialists and of the Socialist press were Jews and did great harm to the national life of Austria. How much of Hitler's anti-semitism is real, and how much is a convenient means of propaganda, is difficult to determine.

Hitler, then, is a middle-class man, who for a time had been swallowed up—though only economically—by the proletariat; he is a soldier, a nationalist, and a convinced militarist; he stands for leadership, authority, and discipline.

As has been said, Hitler is something of a military leader of his party. So far, in spite of signs of insubordination, he has been able

to maintain himself as the undisputed leader. His word is supposed to be law for the party members. The 107 National Socialist delegates to the Reichstag had to swear allegiance to him. They did not elect their leader in parliament, as is the custom, but Hitler appointed him. In Thuringia, the National Socialists obtained control of the government, and it was Hitler who chose the man (Dr. Frick) that for some months filled the post of minister of the interior and education. For a time it seemed probable that they would gain control of the government of Saxony; and Hitler went so far as to designate the Reichstag delegate, Gregor Strasser, to fill the post of minister of the interior in that state. These are merely a few examples of the absolute power which he seems to exercise within his party.

There is no doubt that Hitler has a talent for organizing heterogeneous elements and for holding them together. He has proved it by the fashion in which he built up the party, and by the way in which he has thus far guided it. He joined the German Labor party in 1919, as its seventh member, quickly took over the leadership, filled the embryonic party wholly with his ideas, and built up its organization after the pattern of the Bolshevik party in Russia. Munich was made the headquarters, and from there the organization radiated by means of the cell system. The only German party which until that time had been able to build up a strong and extensive party machine had been the Social Democrats. According to the Socialists themselves,¹ the National Socialist party now is in possession of a machine, which, though not as firmly knit and tested in battle, is more extensive, especially in the agricultural districts, where the Socialists have not succeeded in gaining a foothold.

Along with this party machine exists a military organization, the so-called "S.A.," that is, *Sturm-Abteilungen*, or storm troops, the purpose of which is to protect National Socialist meetings against the Communists and the Socialists. The organization has its own regional leaders; and at the head both of these and of the political leaders of the party machine stands Hitler. From its founding in 1920, the S.A. was strongly permeated with the putschistic military elements of the German army. After the war, a number of secret military organizations sprang into being, consisting mainly of ex-officers whose aim it was to overthrow the republic. Since Hitler's objective was

¹ Gesellschaft, VII, Jahrgang, No. 3, June, 1930.

similar, they worked together.² Some of the ex-officers trained Hitler's storm troops, at the same time trying to withdraw them from Hitler's influence, thus getting a lever by which pressure could be brought to bear upon him. In the abortive Hitler-Ludendorff *putsch* of 1923, they played a rôle that is as yet obscure. During the years after the *putsch*, these same elements in the S.A. again tried to control the political leadership, and continued to aim at a forceful overthrow of the government. But Hitler, possessing a sounder political sense than his military co-workers, felt that after one futile *putsch*, only a very successful one would be forgiven; and for such a one, times seemed not propitious. Hitler, therefore, since 1924, has struggled for ascendancy over the S.A. leaders, and so far seems to have maintained his control over them. A few months ago there was something resembling a show-down: parts of the S.A. rebelled in Berlin, stormed the National Socialist offices, and insulted the North German leader, Dr. Josef Goebbels. The rebels were expelled from the party, and the ex-officer von Pfeffer, who until then had held the supreme command of the S.A. under Hitler, was forced to give up his post, which was assumed by Hitler himself. One may conclude, therefore, that, for the present at least, Hitler has control over the elements that are looking toward a *putsch*. It remains to be seen whether, if he wishes to continue his legal and non-violent course in the future, he will be able to govern this extreme right wing within his party.

As to the rank and file of the S.A., how far they are being trained with a view to revolutionary ends remains a matter for speculation. Two hours' training a week will hardly create a body able to withstand a regular army. But the S.A. satisfies a German craving for marching, sharp commands, group action, just as football satisfies similar desires among Americans. A large number among the S.A. are young people, which substantiates the National Socialist assertion that their movement appeals to the German youth.

Besides the S.A., whose members are recruited mainly from the lower middle classes, there are a number of National Socialist organizations exclusively devoted to the younger part of the population. The National Socialist student organization, at the beginning of 1930, counted some 30,000 members. Judging from their actions and publi-

² One of the officers, a leader of the secret "Organisation-Consul," Karl Tillessen, is supposed to have said of Hitler: "He is the born demagogue for our aims."

cations, they are a group of idealists, full of a somewhat romantic enthusiasm for the "Third Reich"³ and for everything one hundred per cent German. Nationalism and anti-semitism are especially stressed; while the socialist aspect of the movement, on the whole, makes less appeal. In selecting out of the National Socialist program only that which is most congenial to them, the students follow the majority of the National Socialist members and voters.

One would think that if one wished to acquaint oneself with the aims of the party, one would primarily have to study its program. Curiously enough, many voters on the day of the election, and many people who necessarily have become interested in the party since the election, did not know, and even yet do not know, that the National Socialists have a program. Again, many of the voters who knew the program were opposed to at least a portion of it, and yet voted for the party. When asked to explain this inconsistency, they said that the National Socialist party is a movement that as yet has no firm foundation of principles, but that its core is sound; that it expresses "the general will;" that it is an awakening of national energies directed toward shaking off, or somehow escaping, the hopeless existing situation and the still more hopeless future; that the movement, which has a large store of idealistic enthusiasm and a spirit of sacrifice, must be allowed to crystallize its principles as it goes along; that it was not the program which drew the voters, but misery and hopelessness, and the will to overcome them.

Others, again, say that they know the program, and that they will die for it,⁴ that unity among the German states and classes can be achieved only if the good of the whole is put above the good of the individual; that Marxian socialism, communism, and big business are international, and on that account (as well as because they foster war

³ The "Third Reich" is a conception somewhat resembling the millennium. After Germany has emerged from all the consequences of the lost war and the revolution, and when it enters upon a new road of glory, the Third Reich will begin. The First Reich was the Germanic Empire of the Middle Ages; the Second Reich began in 1871; the present situation is only an interval without name, and will be followed by the Third Reich.

⁴ In explanation of this fanatical attitude on the part of some National Socialists, it may be noted that the last paragraph of the program reads as follows: "The leaders of the party promise to support and carry out the foregoing planks, if necessary, at the risk of their lives" Gottfried Feder, *Das Programm der N.S.D.A.P. und seine weltanschaulichen Grundgedanken*, p. 10.

between the classes) are barriers to national unity; that the party's program, by stressing the fight for social justice on a national instead of an international basis, will be a means of uniting all conflicting interests within Germany.

One is safe in assuming that a large majority of the almost six and one-half million voters were not intimately acquainted with the program, or at any rate not with all of its implications. They voted National Socialist because they were promised a way out of the present situation. Nevertheless, though the program may be of secondary importance, it is interesting if for no other reason than as showing how the party already has changed some of its principles by means of interpretation.

In 1920, when the party was in its infancy, Hitler placed his co-worker, Gottfried Feder, in charge of all the program-making. In 1926, the resulting program was declared by a general meeting of the party members to be "unchangeable." In the introduction to it, Feder asserts: "Our aim is the renewal of our nation (*Volk*) racially, politically, economically, and culturally. Our battle is devoted to the liberation of our nation." For the sake of greater definiteness, one might add: "liberation from Versailles, Reparations, and Marxism."

Judging from the writings, speeches, and actions of the National Socialists thus far, this declaration is the one really fundamental and unchangeable principle. All of the planks of the program are of secondary importance and only a means to this one end. Notwithstanding the proclamation that the program is unchangeable, it no doubt will be changed to fit shifting occasions. In their public speeches at the very frequent mass meetings, Hitler and the other leaders say openly that they are fighting for social justice⁵ as a means of uniting the classes and making them feel, above all, that they are Germans. They also frankly say that they will not allow theory to hamper them.⁶ They admit that the program is raw and unfinished; but they add that

⁵ By "social justice," the National Socialists do not mean either the eighteenth-century slogan "all men are born free and equal," or the nineteenth-century "everything for everybody." They maintain, with Plato, that social justice consists in recognizing superior and inferior ability, and in having each person fill a place for which his character and talents fit him. In other words, though National Socialism appeals to the masses, it is fundamentally aristocratic.

⁶ "One has to be strong enough to throw theory overboard if it does not fit life." Dr. J. Goebbels, in his paper, *Angriff*, Oct. 12, 1930.

its "spirit" is clear and unmistakable, and that this spirit will be a sufficient guide in the program's interpretation. As far as an outsider can determine, the spirit is best expressed in Feder's introduction quoted above, and in the National Socialist flag: a red field standing for social justice, a white center standing for nationalism, and a black swastika denoting racial purity or anti-semitism. The colors are, intentionally, those of imperial Germany. The emphasis placed on "spirit" shows how very fluid the whole movement still is.

The program, like the name, of the party is half nationalistic and half socialistic. Important among the nationalistic planks is the demand for a greater Germany, including Austria and all Germans living along the border under a foreign sovereignty—to be attained under the principle of self-determination. A further demand is the cancellation of the treaties of Versailles and St. Germain. The parliamentary system of government is opposed; and citizenship is to be earned through service to the nation. Only Germans should be citizens; Jews and other foreigners must be excluded. Another demand is the abolition of the present paid army and the restoration of an army such as Germany had before the war, with universal and compulsory service. The party further demands a strong central power in the Reich, in order to do away with the particularism of the individual states—a policy which, however, has already been interpreted to allow the individual states to retain large autonomy in administrative and cultural matters. Instead of the present democracy, the principle of "Germanic democracy" is to be applied to the government; that is, the leader—either monarch or president—is to be chosen by all, but, once chosen, his authority is to be absolute. With regard to the question of whether the "Third Reich" is to be a republic or a monarchy, Hitler and the other leaders have many times stressed the point that they do not care what the form shall be. If conditions are such that a monarchy would be most satisfactory, the Third Reich will be a monarchy; if not, then it will be a republic. But in any case, it will not be a parliamentary democracy ruled by a coalition of parties.

One sees that the National Socialists do not content themselves with half-way demands. Their territorial claims would upset the map of Europe; for, besides the union of Austria and Germany, they work for the return of the German parts of Czechoslovakia which lie along the border of Germany; for those parts of Alsace, Lorraine, Belgium, and Denmark that wish to return; and for the pre-war eastern bound-

ary. But here again one must note the tendency to opportunism: the Tyrol, which certainly should be one of the territories to be returned by the abolition of the treaty of St. Germain, is not mentioned. Hitler's idea is that Germany should cultivate friendship with Italy and England. Therefore he refrains from mentioning the Tyrol; and when asked not to forget the Tyrolese, he writes that for their sake the destiny of a much larger number of Germans living under foreign sovereignty must not be endangered.

Without a large army to back up their demands, the National Socialists do not expect consideration for their wishes. They have no faith in disarmament conferences; and they abominate the League of Nations as being an instrument under the control of France, which seeks to maintain the status quo. Hence the demand for a large army.

As regards the union of Austria and Germany, it is of interest to note that the leader of the Austrian *Heimwehr*, Prince Starhemberg, is now minister of the interior. According to him, the aim of the *Heimwehr* movement is the conquest of Marxism, the liberation of Austria from class war, and union with Germany.⁷ One will note that the *Heimwehr* program fits in with that of the National Socialists. Furthermore, Prince Starhemberg, like Hitler, has decided to desist from a *putsch*, and to gain power by legal methods. How much actual coöperation there is between the two men is a matter for speculation.

The plank against the Jews, absurd though it looks, plays a large part in the National Socialist movement. Thus far, the Jews have been a convenient scapegoat for almost anything. Since class war is to be abolished, Hitler wishes to substitute for it the war against the Jews. Somebody has to be responsible for the catastrophes since 1918; hence, it is Marxism and the Jewish speculators. If all Germans were to unite to fight the Jews, they would eliminate the root of all evil, and at the same time achieve the supreme objective, namely, union. During the past winter, however, the National Socialist writings were directed rather against the Eastern Galician Jews who have entered Germany since 1914 than against the Jews generally. In this fact, one may detect a tendency toward a revision of the sweeping indictment of all Jews as such.

In their opposition to parliamentary government, the National Socialists express what a large number of Germans are thinking. German

⁷ Interview with Dr. Erik Krünes, *Berliner Illustrierte*, Nachtausgabe, Oct. 31, 1930.

political life, with its multiplicity of parties and coalition governments, has been irritating to people who still think in terms of the imperial government; also to young people who are impatient for quick and direct methods. No doubt, the general trend of Continental politics since the war is influencing the National Socialists.

The socialist part of the program is very curious, considering that the National Socialists combat Marxism as their worst enemy. One must remember, however, that for them, Marxism stands only for internationalism and class war. The socialist part of the program has been changed by interpretation far more than the nationalist part. Its cardinal principles are: "abolition of slavery to money interests" (*Brechung der Zinsknechtschaft*), and "the interests of the community above the interests of the individual."

If the demands coming under the first of these principles were interpreted objectively, something very much resembling Marxian communism would result. Here are some of them: abolition of all income not earned by work; workers to share the profits of the large industries; abolition of land rent, and enactment of a law under which land might be confiscated without compensation for purposes of common interests; socialization of all incorporated business organizations.

To exemplify the interpretation which these planks have undergone, one may take the one demanding confiscation of land without compensation. It, of course, stirred opposition among both large and small landholders. In order to make it more acceptable, Hitler issued a statement in April, 1928, to the effect that only such land as was not administered in the interest of the whole nation was to be made subject to confiscation without compensation. The opposition continued, because the interpretation still would allow a National Socialist government to expropriate whatever land it chose. Therefore, in March, 1930, the plank was reinterpreted to the effect that land that was not well administered should be taken over by the government, but with payment; and that only land acquired illegally, according to Germanic law, should be expropriated. It was explained at the same time that this provision was directed especially against Jewish land speculators.

Again, the Marxist plank of profit-sharing is explained by the author of the program, Gottfried Feder, as "a general lowering of prices unaccompanied by lower wages." In an article in the principal National Socialist newspaper, the *Völkische Beobachter* (edited by Hitler), Feder further explains that he does not intend that workers

shall share in the management of factories; and as to the sharing of profits, he proposes the following scheme: an undetermined part of the profits to go to the upkeep of the factory, improvement of sanitation, scientific research, and training of technicians; a second part to be used in building homes for the laborers and managers, and to provide recreational and cultural facilities; and a third part to be used to lower prices.

While these two interpretations have not as yet been accepted as part of the National Socialist dogma, they have weight, since they come from the official programmatician of the party. They show at least two things: that the planks of the National Socialist program are highly elastic, and are being adjusted whenever there is need; and that the National Socialist German *Labor* party is moving in the direction of state socialism.

A proof, and at the same time a result of the growing conservatism of the party is the split within it which came to a head in June, 1930. Since the very beginning, the Berlin, or North German, section of the party had been more socialistic and more radical than the southern wing, owing to the preponderance of industrial workers, especially in Berlin. Some publications of the Berlin group, headed by Otto Strasser, contained statements approving workers' sharing in the management of factories, and also the sharing of profits in the Marxian sense, which, as has been shown, is not orthodox National Socialism. The Berlin group also showed its leanings toward communism, by (among other ways) its desire for coöperation with Russia; whereas Hitler sees in communistic Russia the worst enemy of Germany. Above all, the Berlin group felt that National Socialism should be revolutionary, that it should remain in opposition, like the Communists, and work toward a violent overthrow of the government and the entire social structure. Since the abortive *putsch* of 1923, Hitler, on the contrary, has been bent upon gaining power only by legal means.

This divergence of opinion continued until, in June of last year, Hitler suddenly issued orders to the effect that the party should be cleansed of all Marxist elements. His letter containing this order is typical of the style used by most National Socialist writers and speakers. He begins by observing that for months he had watched the infiltration of Marxist elements which were undermining the National Socialist movement. "I now find it necessary to expel ruthlessly and

without exception these destructive elements from the party. We brought this movement into being, and gave it its contents. Whoever does not care for the contents given by us, and especially by myself, either must not join the movement or must leave it. As long as I am its leader, the National Socialist party will never become a debating club for litterateurs or chaotic parlor bolsheviks, but will remain what it is today: an organization with strict discipline, which was not created for the doctrinaire fooleries of political migratory birds, but which has the purpose to fight for a future Germany in which class differences will no longer exist and a new nation will be the master of its own destiny."⁸ The non-conformists were expelled, but still exist as a small distinct group, and still maintain that they are true National Socialists.

The significance of this split is that it shows that there are tendencies in the National Socialist movement which drive it toward communism. And this tendency will not cease; for continually the party receives new adherents from the malcontents among the Socialists and Communists who see in the National Socialist movement primarily a means of obtaining social justice, and they naturally carry the Marxian ideology with them. The question is whether Hitler will be strong enough to keep the party what he wants it to be, namely, a movement directed primarily toward the creation of a strong Germany, not weakened by particularism and class hatred, and able to present a united front against the peace treaties and reparations.

Thus far, Hitler has been successful in steering a middle course between the right wing of his party, consisting of ex-officers and militaristic persons who are working for a *putsch*, and the left wing, which condemns the legal way of getting power and works for a social revolution. He bases his hopes upon the large middle group, which has been augmented since the elections of September 14. For most of the votes received by the party's candidates were drawn from the conservative middle parties and from that element of the population which is generally politically inactive and does not vote. Of the six million four hundred thousand votes amassed, a million were those of small farmers and farm laborers; the remainder came largely from the lower middle classes, former officers and soldiers, students and other young people, and state officials. A not inconsiderable number of votes came

⁸ *Völkischer Beobachter*, July 4, 1930.

from persons who were interested merely in supporting a movement that combined the two tendencies of a national and a social reorganization.

It may be asked what the National Socialists expect to do, now that they have 107 deputies in the Reichstag. For one thing, they have redoubled their proselytizing activities, and with increasing success. They, furthermore, are concentrating their efforts at present upon ousting the Socialists from the government of Prussia and establishing themselves there as they have in Thuringia and Brunswick, and to some extent in Mecklenburg. In this fashion, they hope to gain control over all of the German states, one by one. As to the Reich, they demanded the ministries of war and the interior, which would have given them a chance to control the army and the administration by filling them with their adherents. Their demands at this point were not met; but Hitler has declared that after two more Reichstag elections—at the most, by 1932—the National Socialists will be able to obtain in a legal way, and simply by virtue of their majority, whatever they demand.

The National Socialists have called into being a large popular movement which is still gaining in volume. If Hitler should go too far in toning down the planks of the party program, there are two equally grave dangers: (1) that the movement may pass out of his control, and (2) that it collapse and give way to dangerous despondency, which, in all probability, would swell the ranks of the Communists. On the other hand, the more the National Socialists achieve power, the more it seems necessary that they abandon their present demagogic propaganda and develop statesmanship. Whether Hitler and the other leaders possess the capacity for such a transformation, and whether they can carry it through without losing the confidence of a large part of their adherents, remains to be seen. In any case, considering the adaptability which the National Socialists have shown in many respects since October, 1929, when they first started to expand considerably, and in view of the enthusiasm which, in spite of these changes away from radicalism, still pervades the movement, and, finally, on account of the increasing economic and psychological depression in Germany, it is probable that the party will remain a considerable factor in German political life for a good while to come.

Berlin, Germany.

KATE PINS DORF.

The Personnel of French Cabinets, 1871-1930.¹ From the election of the National Assembly in February, 1871, to the fall of the Briand cabinet in October, 1929, France had eighty-two cabinets and 349 cabinet ministers, under-secretaries excluded. Although French ministers

TABLE I

EDUCATION

<i>Institution</i>	<i>Living</i>	<i>Dead</i>	<i>Total</i>
Faculté de Droit	60	104	164
École Polytechnique	4	29	33
École Navale		18	18
Saint-Cyr	5	14	19
Faculté de Médecine	2	11	13
École Normale Supérieure	9	8	17
Collège	2	3	5
École de Pharmacie		3	3
Lycée	1	3	4
Lettres et Droit	2	2	4
Faculté des Lettres	3	1	4
University	1	1	2
Faculté des Sciences	1	1	2
Cambridge		1	1
École des Beaux-Arts		1	1
École des Mines		1	1
École d'Administration		1	1
Droit, Médecine, Sciences		1	1
École d'Agriculture	2		2
École des Postes et Télégraphes	1		1
Droit, Sciences	1		1
No information	16	36	52
Total	110	239	349

ordinarily neither wield the power of English ministers nor leave behind them a deep impression upon governmental policy, they nevertheless constitute, *ensemble*, the governing class of the nation. Every

¹ There is no French dictionary of national biography. The quest for biographical facts—pursued during a year of study abroad as a Social Science Research Council fellow—has run through various sources, such as biographies, biographical dictionaries of parliamentarians, encyclopaedias, the newspapers of Paris and the departments, and the archives of the Senate, the Chamber of Deputies, and the various ministries. Questionnaires were sent to practically all living ministers, and answers were returned by approximately half of them.

TABLE II

<i>Profession or Business</i>	<i>OCCUPATION</i>	<i>Living</i>	<i>Dead</i>	<i>Total</i>
Lawyer	32	62	94	
Army officer	1	26	27	
Professor	12	12	24	
Lawyer-journalist	7	15	22	
Naval officer	1	15	16	
Engineer	3	13	16	
Journalist	3	13	16	
Publicist	10	5	15	
Lawyer-publicist	4	5	9	
Physician	1	7	8	
Professor-journalist	3	3	6	
Publicist-professor	3	2	5	
Engaged in commerce	1	2	3	
Lawyer-professor	1	2	3	
Manufacturer		2	2	
Business man	1	1	2	
Physician-publicist		2	2	
Administrator		2	2	
Engineer-professor		2	2	
Lawyer-physician		2	2	
Industrialist	1	1	2	
Agriculturalist	2		2	
Law and letters	2		2	
Navy and army officer		1	1	
Agent (at the Bourse)		1	1	
Manufacturer-publicist		1	1	
Wine dealer		1	1	
Mathematician		1	1	
Agriculturalist-industrialist		1	1	
Landowner-journalist		1	1	
Lawyer-landowner		1	1	
Mathematician		1	1	
Army officer-professor	1	1	2	
Chemist		1	1	
Pharmacist-publicist		1	1	
Economist		1	1	
Archaeologist		1	1	
Merchant	1		1	
Lawyer-professor	1		1	
Printer	1		1	
Journalist-editor	1		1	
Banker	1		1	
Historian	1		1	
No information	15	31	46	
Total	110	239	349	

deputy and senator looks forward to the day when he can inscribe the words *ancien ministre* after his name. Of the 349 who have held a *portefeuille*, 110 are still living.² They constitute a large field for selection whenever a new cabinet is formed, and it is seldom necessary—or even advisable—for an incoming premier to go far outside their ranks in making up a new list for the approval of the president of the Republic.

What type of Frenchman has risen to the ministry under the Third Republic? Whence does he come? What has been his education, his occupation, his previous political experience? If there has been a “type,” has it changed as the Third Republic has come to be more and more firmly established? Do the heads of certain ministries depart from the general type? Are there personalities that demand special attention and study? These are some of the questions that arise concerning the political personnel, not only of French, but of other modern national governments.

The place of birth of a Frenchman apparently neither increases nor decreases his chance of becoming a minister. Of the 349, all but twenty were born in France. Fifty-two are credited to the department of the Seine; twelve departments were the birthplace of seven or more; and only seven departments have been ministerially sterile. Upon eight of the ministers, no information is available as to birthplace; and of the remaining twelve, six were born in the French colonies of Algeria, Réunion, and Corsica, two in Geneva, and one each in the United States, Cuba, Holland, and Egypt. All that can be said is that every quarter of France has been represented in the successive cabinets, on a basis roughly proportionate to population.

The tables on education and occupation, however, are very revealing. Of the 294 upon whom educational information is available, 261 were educated with the Facultés de Droit at the École Navale, Saint-Cyr, Facultés de Médecine, or the École Normale Supérieure—educated, that is to say, to become lawyers, naval officers, army officers, engineers, physicians, or professors. Of the 303 upon whom information regarding occupation is available, 253 were by occupation lawyers, army officers, professors, lawyer-journalists naval officers, engineers, journalists, publicists, lawyer-publicists, physicians, professor-journalists, or publicist-professors. The most important conclusion that emerges from these figures is that the French governing personnel comes from among

² On August 1, 1930.

those of the people who by education and occupation belong to the professional classes. And if the fact that education beyond the elementary schools is not free, plus the consideration of the ability to withdraw from gainful occupation and acquire a university education, are at all indicative, it might also be said that the governing class comes from the middle or more wealthy party of the bourgeoisie. There are a few examples, like Paul Bert, of poor boys "working their way;" but their number is very small. The overwhelming majority of French cabinet ministers have been university-trained men. With only very few exceptions, they have been educated in French schools and universities.

TABLE III

POLITICAL EXPERIENCE PREVIOUS TO BECOMING MINISTER

<i>Political Activity</i>	<i>Living</i>	<i>Dead</i>	<i>Total</i>
Administrative	28	31	59
Administrative and local politics	26	28	54
Local politics	29	84	113
Neither	27	96	123*
Total	110	239	349

Passing to the political experience of ministers prior to their entrance into cabinets, we find that at least 226 of the 349 had previously held either local political offices, administrative positions, or both. Forty-five additional ones have been non-parliamentarians while minister, making a total of 271. Thus, over three-fourths of French cabinet members have been grounded in either or both local politics and administration, or have possessed what was regarded as special fitness upon their entrance into the cabinet. The great majority of the non-parliamentarians were generals of division or vice-admirals, chosen to be ministers of war or ministers of marine.

The figures on the status of individuals at the time of their appointment to cabinet posts reveal nothing unusual or unexpected. The great majority have been members of the Chamber of Deputies. A total of 48 have held office while non-parliamentarians; but three of these held additional terms in the ministry while deputy or senator. Of the 45 who were non-parliamentarians during their entire tenure as minister, 35 were generals of division or vice-admirals. They held the portfolios of war or marine.

* Of the 123 who had experience in neither administration nor local politics, 45—5 among the living, and 40 among the dead—were non-parliamentarians.

TABLE IV
STATUS AT TIME OF APPOINTMENT TO CABINET

<i>Status</i>	<i>Living</i>	<i>Dead</i>	<i>Total</i>
Deputy	72	118	190
Senator	20	50	70
Deputy and senator	12	27	39
Non-Parl. (expert)	2	8	10
Non-Parl. (army)	2	24	26
Non-Parl. (navy)	1	8	9
Senator and Non-Parl.		2	2
Deputy and Non-Parl.		1	1
No information	1	1	2
Total	110	239	349

Several conclusions, seemingly, can be drawn regarding the type of Frenchman that rises to positions in the governing class under the Third Republic. France is governed by the professional classes, and, more specifically, by professional politicians within that class. Special fitness has played some, though a small, part in selections. It has operated mainly in the cases of ministers of war and marine. Finally, the overturn of ministries, whose average tenure under the Third Republic has been eight and one-half months, is of no significance so far as the type of men in office is concerned. It has long been recognized that succeeding cabinets in France usually contain a number of members of preceding cabinets. But even the new members are essentially of the same type of men, so far as education, occupation, and previous political experience are concerned.

Several changes, however, have occurred in the type of men who have become ministers since 1871. During the presidency of MacMahon, sixteen nobles, or pretended nobles, held cabinet posts. Under his successor, Grévy, only three such were appointed. This development is only an evidence of the tendency of the French voters to supplant monarchists by republicans in the elections that occurred after the constitution of 1875 went into effect.

A gradual, but marked, change may be observed in the type of men who have risen to the ministry during the past fifty years, by comparing the statistics on dead and living ministers in the tables above. As far as education and occupation are concerned, the percentage of lawyers and professors is increasing. Army and navy officers are being eliminated, and there has been a great decline in the percentage of

engineers and physicians. Non-parliamentarians show a greatly reduced percentage, being 40 among the 239 dead and only five among the 110 living. Since, and perhaps by reason of, the tenure of De Freycinet, an engineer, as minister of war, army and navy career men have been largely supplanted by engineers, lawyers, journalists, and professors as heads of the ministries of war and marine. Only one-fifth of the living ministers have been without previous experience in either local politics or administration. Previous experience in administration has apparently become more important. Approximately one-half of the living ministers have that background, while only one-fourth of the 239 deceased were so fortified. Table IV also reveals that in addition to a greatly reduced number of non-parliamentarians among the living, the percentages of those who were deputies at the time of their appointment to cabinet posts has shown a marked increase.

These facts suggest that the professional elements from which France draws its governing class are narrowing to lawyers, professors, journalists, and publicists. Engineers, physicians, and army and navy officers are being displaced. The political class within the professional class is also narrowing in the direction of those who are grounded in previous experience in local politics or administration, and chiefly in administration. Ministers also tend, more and more, to be selected from the Chamber of Deputies.

TABLE V
THE PREMIERS

Total terms	52	<i>Occupation</i>	
Total number of individuals	40	Lawyer	12
Individual tenure		Lawyer-journalist	6
One term	24	Professor	5
More than on term	16	Journalist	4
		Army officer	2
		Law and letters	2
<i>Education</i>		Archaeologist	1
Faculté de Droit	24	Engineer	1
École Normale Supérieure	4	Lawyer-publicist	1
Saint-Cyr	2	Banker	1
École Polytechnique	2	No information	5
Faculté de Médecine	2		
Cambridge	1	<i>Previous Political Experience</i>	
Collège	1	Administrative	7
University	1	Adm. and local politics	3
École d'Administration	1	Local politics	15
Faculté des Lettres	1	Neither	15
No information	1		

Special conclusions seem warranted in the cases of some ministers, although nothing of great significance is revealed in the statistics on the premiers. During thirty of the eighty-two terms, the premier has held the portfolio of foreign affairs; during twenty, that of minister of interior; ten, that of justice; five, that of finance; and he has been without portfolio during four terms.

Among the ministries, those of justice and interior appear to be of greatest political significance: first because the number of individuals who have held these positions is in each case larger than the number of those who have held any of the four other important portfolios; second, because the individuals who have held only one term is greater than among any of the other four. The positions of minister of justice and minister of war have demanded most in the way of technical training. Of 45 ministers of justice upon whom information is available, all have been educated in law. Of 40 ministers of war about whom we have information, 29 have been educated at Saint-Cyr or the École Polytechnique. Only 18 of the 48 ministers of marine received their training at the École Navale. Law-trained individuals have predominated in the ministries of foreign affairs, interior, and finance.

TABLE VI
NUMBER OF CABINET TERMS SERVED BY INDIVIDUALS

<i>Terms</i>	<i>Living</i>	<i>Dead</i>	<i>Total</i>
20	1		1
15	2	1	3
14		1	1
13		1	1
12		2	2
11	1	1	2
10	4		4
9	1	2	3
8	3	5	8
7	5	6	11
6	5	6	11
5	7	7	14
4	12	11	23
3	15	39	54
2	24	55	79
1	30	102	132
	<hr/>	<hr/>	<hr/>
Total	110	239	349

The foregoing has dealt with the type of men that the French political machine has raised to the governing class. An intensive study of the careers of the important individuals would provide a basis for generalizations as to why and how this is done. But a combination of several factors must determine those selected for such special attention. The figures in Table VI indicate that a line might conveniently be drawn to include those who have served five terms or more. Selection upon this basis, however, would eliminate such men as Clemenceau, Combes, Méline, and Waldeck-Rousseau, each of whom had a term of over two years as *président du conseil*. Clemenceau had two such terms. Certainly no man who can pilot a French cabinet for two years can be overlooked. Nor can certain factors be disregarded in explanation of how a deputy or senator, with perhaps a similar background to his colleagues, manages to continue his political journey beyond them to the Quai d'Orsay. Some of these are: (1) his membership and good work on one or more of the parliamentary commissions; (2) his rise to a place of great esteem within his parliamentary group; (3) his friendship and influence with the president of the republic; (4) his possession (or his wife's possession) of a personal fortune, and his ability to provide dinners, conversation, and entertainment, and (5) the extent of his friendship with journalists.⁴

University of Missouri.

JOHN G. HEINBERG.

Ceylon's Government, Old and New.¹ The government of Ceylon presents several points of interest to the student of political institutions. The island is the most important of the British crown colonies, and has been governed in recent years under a dual system, with an appointed executive and a legislative council, a majority of which is elected. A new constitution, which will go into effect during the present year, provides for a novel system with a very large measure of responsible government, on the basis of universal suffrage, for a population overwhelmingly Asiatic, but of several stocks, and with a small European element. This experiment should throw light on the larger problem of the government of India.

Some data—geographical, historical, economic, and social—seem essential to an understanding of the political situation. Ceylon is an island of 25,000 square miles (about half the size of the state of Illi-

⁴ See Jules Veran, *Comment on devient Député, Sénateur, Ministre* (Paris, 1924).

¹ The author visited Ceylon during the past winter. *Man. Ed.*

nois), lying south of India and just north of the equator. The largest element in the population is the Sinhalese, descendants of an Aryan race that came from North India about the sixth century B.C., became Buddhists in the third century B.C. and retain that religion. Later came other peoples (Tamils) from South India, Hindu in religion, who occupied the northern part of the island. In the sixteenth century, the Portuguese gained control of the coasts; and in the seventeenth, the Dutch conquered the Portuguese districts. In 1796, during the Napoleonic wars, the Dutch sections were conquered by the British; and after a brief period under Madras they became a separate colony in 1802. After a war with the Sinhalese in the interior hill country, the whole island came under British control.

In the southern and western sections of the island, with abundant rain through much of the year tropical vegetation is luxuriant. In the northern and eastern sections, the rainy season and vegetation are more limited. Only about one-fourth of the total area is now under cultivation. Formerly, rice, spices, and cocoanuts were the principal economic products. Later, coffee became important; though this has declined. In recent times, tea and rubber have become leading crops; and on the tea plantations the laborers are new immigrants from South India. Of the total population of five millions, two-thirds are Sinhalese. There are over a million Tamils (about half descendants of the older immigrants in the north, and half the newer immigrants on the tea plantations.) There are also about 300,000 Moslems, mostly Arabs, but some Malays; about 30,000 burghers, a mixed stock, descendants of the Dutch and natives; and 10,000 Europeans.

For many years the central government was composed of appointed officials; but since 1910 an elective element has been introduced and gradually extended. The present system was established by letters patent of 1920 and orders in council of 1923 and 1924. The governor is appointed by the British government for a term of six years, and has substantial powers of appointment and veto. There is an executive council of nine members, four official (three ex-officio) and five unofficial. The legislative council as reconstituted in 1923, has consisted of 49 members, of whom 12 are officials (five ex-officio), three are nominated, and 34 elected. Of the elected members, 23 are from territorial districts, and 11 represent special interests and communities—Moslems, three; Indians, two; Europeans, two; Burghers, two; and the western province, one. The elective franchise is based on ability to read and write English, Sinhalese, or Tamil, and property or an in-

come of 600 rupees; it includes about four per cent of the population.

The council meets on three days each week. The seats are in semi-circular rows, each with a desk, and with the official members in the front row. At a session in November, 1930, there was almost a full attendance. Proceedings began with the presentation of reports and papers, followed by notices of questions and motions. A bill to establish a university passed second reading, after a motion to postpone action was defeated, although there was no prospect of funds being available, and there were differences of opinion about the location. A bill relating to the law of inheritance for the Mohammedans was postponed when differences of opinion were expressed by the Moslem members. After adjournment for tea, bills making minor changes in civil procedure were approved. The discussion showed a good degree of intelligence, though at times (as in other legislative assemblies) verbose. No sharp division appeared between the official and non-official members.

Numerous government services and agencies have developed, including no less than forty departments, all under the general supervision of the Colonial Secretary, and not organized in major groups of related services. Rural local government is largely in the hands of native village headsmen and village committees. There are some rural and urban districts with local boards; also the three municipalities of Colombo, Galle, and Kandy. There are also local courts, three district judges, and a central court of five judges. The higher officials and a considerable number of subordinate officials in the central government are British, as are the official, and most of the nominated, members of the Legislative Council. The elected members of the latter body are mostly of native stocks.

The recent changes in the government of the colony were made in response to growing sentiment in favor of self-government, but did not cover all the demands of the Ceylon National Congress, a body representing mainly the country Sinhalese. Continued friction in the operation of the new system, as well as recognition of its experimental and transitional character, led to the appointment, in August, 1927, by the Secretary of State for the Colonies, of a special commission of four members, representing the three political parties in Great Britain, to visit Ceylon and report on the working of the existing constitution and what amendments, if any, should be made. This commission was in Ceylon for more than two months (from November 13, 1927, to January 18, 1928), during which time it held 34 sittings in various

places, visited other parts of the island, and examined 131 witnesses and delegations. Its report, issued under date of June 26, 1928,² forms the basis of the new constitution which goes into effect this year; and it is significant that it is the work of a body appointed by a Conservative government in Great Britain, with a peer (the Earl of Donoughmore) as chairman.

At the beginning of its discussion of the working of the present constitution, the commission states: "The most striking character of the Ceylon constitution is the divorce of power from responsibility. The unofficial members, who are not responsible for the conduct of public business, enjoy an overwhelming majority in the Legislative Council; the official members, who are so responsible, are in a permanent minority. The official members owe no allegiance to the Council, and are irremovable except by the governor, in whom all executive authority is vested. The unofficial members, though in complete control in the Council, are denied the prospect of assuming office themselves. Thus, on a counting of heads, those who have the controlling votes in the Council are not called upon to bear the responsibility for their decisions; those who have to bear the responsibility are without the controlling votes." Under these conditions, the commission considered it no matter for surprise that the unofficial members of the Council have launched continuous and irresponsible attacks on members of the government, and hamper the government in executive and administrative matters, especially through the finance committee, which has become more important than the executive council.

After discussing a number of proposals to meet the situation, the commission recommended the scheme which, in substance, has been adopted. Under this plan, the Legislative Council will be replaced by a State Council, to consist of 50 members elected by territorial districts, three ex-officio members, and not more than eight members nominated by the governor. The franchise for the elected members will include all Ceylonese over twenty-one, male and female; and the list of voters which has been prepared includes more than a million, or about twenty-three per cent of the population. As about forty-five per cent of the population is illiterate, special provisions have been made for voting. The former special classes of elected members have disappeared; but the provision for nominated members will enable the governor to select representatives from the smaller minority groups. The more im-

² Ceylon. Report of the Special Commission on the Constitution. Printed for the Government of Ceylon by H.M.S.O.

portant racial groups are so distributed geographically that they will secure representation from the territorial districts.

Perhaps more significant is the change in the powers and functions of the State Council and its members. The Council will deal not only with matters of legislation but also with administration; and for this purpose definite provisions are made for its internal organization. The members of the Council will be distributed, by secret ballot, among seven standing committees, each dealing with a main group of administrative services; and each committee will nominate a chairman, for appointment by the governor, who will have the status of a minister in charge of the services assigned to his committee. In addition, there will be three major departments, under the chief secretary, treasurer, and attorney-general, who will be appointed by the governor and not subject to any council committee. These officers of state will act in an advisory and auxiliary capacity to the ministers and the State Council, of which they will be the ex-officio members.

The ministers will form a board, with the three officers of state as advisers, which will act as a general committee to propose legislation and the annual budget. It is not expected that they will act as a party cabinet, as no distinct parties have developed. It is anticipated that individual ministers may be outvoted at times by their committees, and that committee proposals may be defeated in the State Council, on minor matters, without involving a resignation. But defeat of the board of ministers by the State Council on an important issue, after an opportunity for reconsideration, would involve a new election to the Council, which would either sustain the ministers or lead to a reorganization of committees, with at least some new ministers.

While involving a large measure of responsible government, certain checks and safeguards are provided. The chief secretary will have under his charge the machinery for the drafting of proposed legislation and for the selection of candidates for appointment, through a public services commission. The attorney-general will have supervision over elections. The treasurer will advise in financial measures. The governor will have various negative powers of disapproving or asking for a reconsideration of both legislative and administrative measures; and in an emergency he may put in force a measure considered by him of paramount importance. It may be noted that a provision, similar to the last, in the present constitution has never been exercised.

Some Bibliographical Aids to the Use of British Government Publications.¹ It is a well recognized fact that government publications are frequently the most valuable, and sometimes practically the only, reliable source of information on many phases of political, social, and economic life. Every bibliographical aid to their use, therefore, is to be highly welcomed by the student of government; and, fortunately for him, these aids are being rapidly multiplied. A noteworthy illustration is the *List of Serial Publications of Foreign Governments, 1815-1929*, now being prepared by Miss Winifred Gregory under the general direction of a joint committee of the American Council of Learned Societies, the National Research Council, and the American Library Association. Under each country will be listed, in a classified arrangement, the reports and other serials which record governmental activities since 1815.² Section two of the preliminary checking edition of the *List* is devoted to the British Overseas Empire (except Canada).³

Angus Fletcher, librarian of the British Library of Information in New York, points out that "the publication of official documents is a relatively recent development in English parliamentary history. It was not until 1837 that official documents were finally made available to the public, in the form of the regularly issued Parliamentary Papers as we know them today. The publication of Non-Parliamentary Papers is of still later origin."⁴ The establishment of His Majesty's Stationery Office was a result of Burke's Act for Economical Reform in 1782, prior to which time the service of this office had been granted as a monopoly to persons in favor at court.⁵ The student entering on a study of British public documents can well afford to review the very readable and valuable historical account of the records of Parliament given by Sir Courtney Ilbert, wherein he traces the development of the written reports of the journals and debates from their beginnings.⁶

Desirous of inviting more general attention to its publications, the

¹ Attempt is made here, not to give an exhaustive bibliography of this subject, but merely to call attention to the books and articles which will be of greatest assistance to the research student.

² For detailed information concerning the initiation of this project, see A.L.A. *Bulletin*, XXI (1927), 10-11; XXII (1928), 29-30.

³ New York, H. W. Wilson Co., 1929.

⁴ "His Majesty's Stationery Office," *Library Journal*, LII (1927), 461.

⁵ *Ibid.*

⁶ *Parliament* (new and rev. ed., New York, 1920), 177-195, on "Records, the Press, and the Public."

British government prepared a descriptive pamphlet which was placed on sale at the bookstall in the entrance hall of the Government Pavilion during the exhibition of 1925.⁷ This pamphlet described briefly the function and history of His Majesty's Stationery Office, its publications, catalogues, and lists, and indicated how the publications can be obtained. A much more complete *Guide to Parliamentary and Official Papers* was prepared by H. B. Lees-Smith as No. 5 in the series of bibliographies by writers connected with the London School of Economics and Political Science.⁸ The purpose of the *Guide* is to make a survey of the official documents issued by the British government, "so that members of Parliament, librarians, and students may find their way among them readily." The documents are classified and explained in the following groups: (1) Parliamentary Publications; (2) Stationery Office Publications; (3) Statutory Rules and Orders; (4) Parliamentary Debates; (5) papers dealing with day-to-day proceedings of Parliament, and issued for the use of members of Parliament; (6) the bound volumes of the latter papers, issued to form a permanent record; and (7) the Journals of Parliament. Indexes to Parliamentary Papers, Parliamentary Debates, and House and Lords Journals are noted.

Lees-Smith's *Guide* ought to be supplemented by Sidney Horrocks' "Government Publications," in *The Library Association Record*,⁹ where more detailed information is given concerning the Sessional Papers (House of Lords Papers and Bills, House of Commons Reports and Papers, House of Commons Bills), Command Papers, and Non-Parliamentary Papers.

In the article already cited,¹⁰ Angus Fletcher makes clear the distinction between parliamentary and non-parliamentary papers, as follows: "In the first place, the official documents published by the Stationery Office are at present classified as parliamentary papers and non-parliamentary papers. Prior to 1923, the latter were called Stationery Office publications. Parliamentary papers relate to matters before Parliament, or theoretically at least, to matters on which Parlia-

⁷ H. M. Stationery Office. *Brief Guide to Government Publications; His Majesty's Stationery Office, 1786-1925* (London, 1925).

⁸ Oxford University Press, 1924.

⁹ Vol. VIII, new series (June, 1930); 93-104.

¹⁰ "His Majesty's Stationery Office," *Library Journal*, LII (1927), 461-463. See also Angus Fletcher, "The British Library of Information," *Special Libraries*, XXI (October, 1930), 287-289, for general information on this same subject.

ment wishes to be informed, or matters on which the government for the time being may wish to inform Parliament. Of these groups, the first two may be either House of Lords papers or House of Commons papers; the last group is called the 'Command Papers,' i.e., papers presented to Parliament 'by command' of the king (the executive). After each session, an index to the papers issued therein is published under the title *Numerical List and Index to Sessional Printed Papers*. Since 1922, these have been included also in the *Consolidated List of Government Publications*. Prior to that date, there was, in addition to the *Numerical List* above mentioned, a *Quarterly List of Parliamentary Publications*, that for the last quarter in each year covering the whole year. Non-parliamentary papers are issued under the authority of the various departments of administration, and are classified under the names of the departments responsible for their contents, in alphabetically numbered *Ls's*. Until 1920, they were comprised in a *Catalogue of Works (other than Parliamentary Papers and Acts of Parliament)* published by His Majesty's Stationery Office. In 1921, a *Quarterly List of Official Publications* issued by His Majesty's Stationery Office was published, that for the last quarter of the year being cumulative for the year. In 1922, this *List* was combined with that of 'Parliamentary Papers' (see above) under the title *Consolidated List of Parliamentary and Stationery Office Publications; Issued by His Majesty's Stationery Office from the 1st January to 31st December, 1922*, which in the following year became simply the *Consolidated List of Government Publications issued by His Majesty's Stationery Office from, etc.*, the present form of the title. There are now also a *Daily List* and a monthly selected list known as *His Majesty's Stationery Office Monthly Circular of Recent Selected Publications*."

The terms "sessional" and "command" papers are explained also in the description of the origin and history of Parliamentary Papers by Austin Smyth, librarian of the House of Commons, in the preface to the *Guide to the Principal Parliamentary Papers Relating to the Dominions, 1812-1911*,¹¹ and reprinted by D. P. Myers in *Manual of Collections of Treaties and of Collections Relating to Treaties*.¹² As their titles indicate, both of these books contain other information for

¹¹ Edinburgh, 1913. Prepared by Margaret Adam, John Ewing, and James Munro.

¹² Pp. 192-194. A short history of the publication and sale of parliamentary papers is contained in the preface to Hilda Vernon Jones (compiler), *Catalogue of Parliamentary Papers, 1801-1900* (London, P. S. King and Son, 1904).

the research student—the former, for those working in problems involving the British Dominions; the latter, for those investigating foreign affairs.

James B. Childs, chief of the division of documents in the Library of Congress, in *An Account of Government Document Bibliography in the United States and Elsewhere*,¹³ has contributed a brief statement on British publications,¹⁴ and has listed the principal catalogues and indexes to those documents,¹⁵ a most valuable bibliographical aid. Somewhat similar lists may also be found in Minto's *Reference Books*¹⁶ and Mudge's *Guide to Reference Books*.¹⁷ Judith Blow Williams, in *A Guide to the Printed Materials for English Social and Economic History, 1750-1850*,¹⁸ devotes a section to "Publications of the National Government."¹⁹ Preceding the bibliographical lists and indexes on each division of the subject, there are valuable descriptive notes on the Parliamentary Debates, Sessional Papers, and Statutes. Perhaps one ought to mention also the brief bibliographical list of parliamentary records and reports of committees in Charles Gross' *Bibliography of British Municipal History*.²⁰

All students of British history and government must bow in tribute to the indefatigable zeal of the Hansards. Witness their plans for indexes to contemporary debates and documents. Fronting the title page in the thirty-fifth volume of the *Parliamentary History* (1801-1803), published in 1820, is an advertising notice to the effect that this volume brings the *Parliamentary History* to 1803, from which period it will be continued as *Hansard's Parliamentary Debates*. Furthermore, the editor announces that he is preparing for the press two volumes of indexes, the first to cover the parliamentary history of England from the earliest period to 1803, the second the *Parliamentary Debates* from 1803 to the accession of George IV in 1820. The two volumes, it is stated, "will form a complete Parliamentary Dictionary, or ready Book

¹³ Washington, Government Printing Office, revised ed., July, 1930.

¹⁴ Pp. 9-10.

¹⁵ Pp. 40-43.

¹⁶ John Minto, *Reference Books* (London, 1929), pp. 65-66, 75-76; the latter reference gives lists of editions of statutes and indexes of the statutes.

¹⁷ Isadore G. Mudge, *Guide to Reference Books* (5th ed., Chicago, 1929), pp. 279-280.

¹⁸ New York, 1926.

¹⁹ Vol. I, section 5, pp. 37-54.

²⁰ Cambridge, 1915, pp. 50-52.

of Reference to every subject of importance that has at any time come before Parliament. The great utility of such a work, not only to members of the two Houses, but to every Lawyer and Politician must be self-evident." Persons desirous of subscribing to the books are urged to do so, "as only a very limited number of copies, beyond the usual impression, will be printed."

Eventually, in 1834, there appeared the *General Index to the First and Second Series of Hansard's Parliamentary Debates, forming a Digest of the Recorded Proceedings of Parliament from 1803 to 1830*, which was edited by Sir John Phillimore.²¹ It will be noted at once that the index was carried to 1830, ten years beyond the date advertised. The index is arranged in five divisions and covers not only parliamentary debates but also state papers; indeed, so complete is the alphabetical index to the subject-matter of the debates that T. C. Hansard boasts that "there is no subject debated upon, but an abstract of its details may be instantly found."

But what of the proposed first volume of the index? The preface to the Phillimore volume tells the tale: "It is necessary to observe that this volume, although *second* in historical order, has been made *first* in course of publication, as being more immediately requisite; the General Index to the History, comprising from the earliest period of Parliament (6 Will. I, 1072, to 43 Geo. III, 1803) must await the favorable reception of the present Index, and such suggestions of improvement as the general inspection and use of it may point out." Following the preface is the brief statement: "Should any general wish be expressed for a similar Index and Digest to the Parliamentary History, such a work would be readily undertaken." Presumably no such "general wish" was expressed, as the index never made its appearance. Or might its non-appearance have been due to the death in 1833 of the energetic T. C. Hansard?

University of Michigan.

EVERETT S. BROWN.

²¹London, Baldwin and Cradock, 1834. The introductory statement, giving a complete table of contents, is signed "T. C. Hansard."

INTERNATIONAL AFFAIRS

Some Problems of Article ~~XXIV~~ of the Covenant.¹ The majority of the early schemes for a general international organization, or League of Nations, before the Covenant envisaged its functions as principally negative—chiefly the general function of preventing war by peaceful settlement of international disputes. Little or no attention was paid before the Covenant to potentialities of positive and coördinated international action. This is all the more remarkable in view of the growing number of spheres to which international action had already been extended. Apart from Schücking² and Mr. L. Woolf,³ only the proposals of the triumvirate of the "Union des Associations Internationales," M. Fried, M. Paul Otlet, and M. La Fontaine, seriously urged the necessity of rational coördination and positive coöperation.⁴ Unfortunately, before the war these proposals failed to receive the serious attention which they merited. The object of the Union was well founded. Already by 1914, there existed over twenty "public unions" and nearly 150 "private associations;" while the growth in the number of international conferences revealed the volume of international activity. Moreover, the dispersion of this activity and the lack of coördination had led to unfortunate overlapping. Three active organizations were occupied with the international regulation of railways,⁵ and two with

¹ Article 24 (International Bureau.):

1. There shall be placed under the direction of the League all international bureaus already established by general treaties if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information, and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

² Schücking, *Staatenverbände der League Conferenzen*.

³ L. S. Woolf, *International Government*. Two reports prepared for the Fabian Research Department.

⁴ See publications of *l'Union des Associations Internationales*, Brussels, *passim*.

⁵ The Central Office for International Railway Freight Transport; the Confer-

agriculture.⁶ The scientific unions worked independently of any comprehensive plan.⁷

But the absence of coördination was not the only weakness apparent in the pre-war situation. The independence of each organization and the lack of a central authority increased the difficulties of working. Elaborate negotiations necessarily preceded the summoning of an international conference, even though the conventional constitution provided for periodic but regular meetings.⁸ Further, with the exception of one or two of the most powerful unions, the force of the influence which could be brought to bear on governments was weakened by the isolation of each union. Finally, the absence of a collective political authority often barred the way to progress in international technical organization.

The opportunity for remedying some of these defects came with the drafting of the Covenant, which, in its final form, makes provision in several places for the future of international organization, both in general and in particular.⁹ But the most important clause is Article 24, which was devised to make the League the apex of international coöperation.

The origins of Article 24 are obscure. Neither the Phillimore draft

ence on Technical Uniformity on Railways (both official organizations); and the International Association of the Railway Congress—a non-official union to which over 400 railway administrations adhered.

⁶ The International Institute of Agriculture in Rome, a governmental organization, and the International Commission of Agriculture in Paris, a private union of national agricultural associations.

⁷ The International Geodetic Association at Potsdam, the Seismological Union at St. Petersburg, and the Permanent Council for the Exploration of the Sea at Copenhagen, all official unions, appear to have worked independently of one another, although their respective functions called for systematic coöperation. The rearrangement of the international organization for scientific work which took place after the Great War appears to corroborate this. A series of allied international conferences held in Paris and London in 1913 and in Brussels in 1919 established the International Research Council to coördinate international activities in the various branches of science, among them the International Union of Geodesy and Geophysics, Section B of which has superseded the former Seismological Union. It should be noted that the central organization and its branches are non-official, in contrast with the pre-war unions mentioned above.

⁸ See Schücking, *op. cit.*

⁹ Preamble and Articles 23 and 25 of the Covenant.

of March 20, 1918,¹⁰ nor the House draft of July 16, 1918,¹¹ made reference to the promotion of international coöperation, but invested the future League only with the negative function of the prevention of war. The Smuts plan of December 16, 1918, was the first draft receiving official consideration which envisaged the League as something more than a dust-bin for disputes. Rightly, General Smuts emphasized the necessity of preventing the germination of disputes by sterilizing the more apparent, and above all the economic, creative forces of disputes through an international organization directed by the future League. "It must become part and parcel of the common international life of states, it must be an ever visible, living, working organ of the policy of civilization . . . its peace activity must be the foundation and guarantee of its war power." This idea was given greater precision in his suggestion that the international administrative bodies already functioning under existing treaty arrangements should be placed under the authority of the League. A number of subjects were mentioned explicitly, including postal and telegraphic communication, copyright, patents and trade-marks, river navigation, and sanitary arrangements. It was urged that the League should make and control the necessary arrangements for their administration in the future, in place of the previous system of separate international conferences. Attention was drawn also to groups of problems previously unregulated, including questions of trade, finance, transit and communications, and labor, which the League should undertake to handle.¹²

Vaguer references to similar functions were incorporated in the final draft of the Cecil plan of January 14, 1919. A section is devoted to the position of "international bodies," one of the three classes of which consists of international administrative bodies, including "bodies already formed under existing treaties." The International Secretariat was to be "the responsible channel of communication between the Inter-State Conference and, so far as possible, all international bodies." Further, the main part of the agenda of the Periodic Congress would be devoted to the discussion of the reports of the Inter-State Conference and of the different international bod-

¹⁰ For text, see *Interim Report of the Phillimore Committee*, printed as Appendix D in Florence Wilson, *The Origins of the League Covenant*.

¹¹ For text, see D. H. Miller, *The Drafting of the Covenant*, Vol. II, Document 2.

¹² J. C. Smuts, *The League of Nations; a Practical Suggestion*.

ies.¹³ Lord Cecil was not prepared to go so far as General Smuts, for his plan made no provision for the absorption by the League of already existing international bodies; while General Smuts' draft urged the full concentration of international administration under the wing of the League by the automatic affiliation of existing institutions. Neither Wilson's second¹⁴ nor third draft¹⁵ incorporated these suggestions, of which the President must have been aware. But the British draft convention, issued on January 20, 1919, for which Lord Cecil was primarily responsible,¹⁶ so far as concerned international administrative bodies, compromised between the former Smuts and Cecil plans, though incorporating the general tendency of the Smuts proposals.

But in the Cecil-Miller draft of January 27, 1919,¹⁷ the provision for placing existing international administrative bodies under the authority of the League was again omitted, although ample place was given to the non-political activities of the League. So far as the records go, no additions in this respect resulted from Mr. Hurst's revision;¹⁸ while Wilson's fourth draft again omitted all mention of the provision.¹⁹ The French plan²⁰ concerned itself solely with measures for the prevention of war and the elaboration of procedural rules. Article 8 of the Italian plan²¹ reproduced in general outline the skeleton of the British drafts.

Thus the Hurst-Miller draft, upon the basis of which the Preparatory Commission on the League of Nations began work on February 3, 1919, contained no trace of the machinery for making the League the center of international activity which had figured so prominently in preceding British plans. This omission is important, because it suggests that the first impression of the future Covenant upon the Com-

¹³ For text, see D. H. Miller, *The Drafting of the Covenant*, Vol. II, Document 6.

¹⁴ For text, see D. H. Miller, *op. cit.*, Document 7. The document is sometimes called Wilson's first Paris draft of January 20, 1919.

¹⁵ *Ibid.*, Document 9. The document is sometimes called Wilson's second Paris draft of January 20, 1919.

¹⁶ *Ibid.*, Document 10.

¹⁷ *Ibid.*, Document 12.

¹⁸ *Ibid.*, Vol. I, Chap. 6.

¹⁹ For text, see D. H. Miller, *op. cit.*, Vol. II, Document 14. The document is sometimes known as Wilson's third Paris draft.

²⁰ For text, see Appendix H in Florence Wilson, *The Origins of the League Covenant*.

²¹ For text, see Appendix I in Florence Wilson, *op. cit.*, especially Arts. 8 and 9.

mission was that of a preventive rather than a creative instrument.

The period of gestation continued up to the eve of the consummation of the Commission's work. The Drafting Committee, on the initiative of the British delegate, re-inserted the substance of the first paragraph of Article 24, which was thus incorporated as Article 23 in the draft used for the second reading, and adopted as Article 22. The second and third paragraph took shape only during the third reading, again as the result of British amendments.²² Article 22 became temporarily Article 20, and received the addition of a new paragraph 2: "In all matters of international interest which are regulated by general conventions but which are not placed under the control of special international bureaus or commissions, the Secretary of the League shall act as a central organization for the collection and distribution of information and for securing the effective observance of such conventions if the states thereto consent." M. Hymans' objection that the task of securing the effective observance of conventions would prove too great a burden upon a young and untried organization was accepted, and the relevant section of the clause deleted. Paragraph 3 was also added. This provided that "the expenses of all such bureaus and commissions, including those provided for by this Covenant, may, with the consent of the Executive Council, be treated as part of the expenses of the permanent secretariat of the League." The three paragraphs were adopted as Article 23, and the whole draft then went again before the Drafting Committee, which considered further British amendments; and the text emerged in the form incorporated as Article 24 in the authoritative text of the Covenant of June 28, 1919, with the exception of two small textual differences.²³

It is clear that the far-sighted view of the League as the pivot of all international organization owed its enunciation during the drafting of the Convention almost entirely to General Smuts and Lord Robert Cecil, ably seconded by the Italian delegation. But it is difficult to reject the suggestion that the work of the Union des Associations Inter-

²² It is pointed out in Schücking and Wehberg, *Die Satzung des Völkerbundes*, that a great part of Article 24 took shape only between February 14 and April 28, 1919.

²³ In the text of June 28, 1919, in Paragraph 1, and sentence 2, the words "Tous autres bureaux internationaux" replace "Il en sera de même de tous autres bureaux internationaux;" and in Paragraph 2 the word "desirable" replaces "utile." See Schücking and Wehberg, *op. cit.*, p. 757.

nationales, and of Mr. Leonard Woolf, had to some extent inspired their attitude.²⁴

An analysis of the provisions of Article 24 shows the potential breadth of the League's competence in matters of international organization, albeit that competence is subject to certain limitations which appeared essential to the framers of the Covenant. At the same time, the drafting of the article has left the door open to ambiguity in some respects, more especially with regard to the nature of the limitations. The first section of the first paragraph concerns international bureaus *already established* by general treaties. These bureaus are to be placed under the *direction of the League if the parties to such treaties* consent. From the wording, what is meant by "already established" is not at all clear. By Article 282 of the treaty of Versailles, certain international treaties and conventions to which Germany had been a party before the outbreak of war, but which were held to have lapsed on account of the war, were explicitly revived.²⁵ Those conventions omitted from the list of Article 282 were, *ex hypothesi*, presumed to have been abrogated. But this doctrine neglects the position of neutrals. For between Germany or the Allied Powers, respectively, on the one hand, and the neutrals, on the other hand, the conventions remained undisturbed.²⁶ In the course of the discussion in the League of Nations Commission, it was agreed that "direction" in the English text was best rendered by the French "autorité." Finally, the renunciation of the idea of a super-state rendered the consent of the parties essential to the operation of the provision.

The second sentence of Paragraph 1 provides that all international bureaus and commissions established after the foundation of the League shall be placed under the direction of the League. The clause aimed at the *automatic* inclusion within the framework of the League of all organs of international coöperation established since the war. This could be effected by the insertion in the convention establishing a new bureau

²⁴ It should be noted that the drafts for a League of Nations prepared by the German International Law Association (Art. 33) and by the German Government (Art. 19-22) contained proposals similar to Article 24. See Schücking and Wehberg, *op. cit.*, p. 757.

²⁵ Broadly, the international conventions connected with the organization of communications and commerce were revived, while those relating to international scientific activity were omitted from the list.

²⁶ See K. Neumeyer, in *Revue de Droit Internationale*, April-June, 1924, for a discussion of this question.

of a provision stating that the bureau or commission would be placed under the direction of the League. The consent of the parties to the inclusion of such a clause in the convention could be presumed at a time when the United States appeared to be leading the movement for the establishment of the League, and when the Central Powers, to be excluded from the future League, were destined to be excluded directly or indirectly from new post-war international unions and associations.²⁷ For a reversal of the policy of exclusion, the preliminary condition of acceptance of the continuance of the League's "direction" could easily be exacted. If the convention contained no such provision, "automatic" affiliation would be impossible; for the consent of all the signatories of the convention to the application of Article 24 would be necessary. The discrepancy between the English and French texts has rendered the precise meaning of the sentence uncertain. While in the former the word "such" appears to indicate that only bureaus established under general conventions are meant, in the latter this limitation has disappeared. In practice, the Council has tended latterly to adopt the British version,²⁸ although on one occasion it was the British representative on the Council who argued against this limitation.²⁹

Paragraph 2 is a double invitation, first to the Secretary-General, subject to the prior consent of the Council, and secondly, to the parties to international conventions which regulate matters of international interest but which do not establish bureaus or commissions for their control, to agree that the Secretariat shall (a) collect and distribute all relevant information, and (b) render any other assistance that may be necessary or desirable. The position of the League was complicated by the existence of a number of conventions dealing, among other subjects, with opium,³⁰ the traffic in obscene publications,³¹ the prohibition of night work for women,³² and the white slave traffic.³³ The successful operation of international regulatory conventions, most

²⁷ E.g., International Commission for Air Navigation. *Treaty Series* (1922), No. 2.

²⁸ See below, p. 415.

²⁹ League of Nations *Official Journal*, August, 1923, p. 858.

³⁰ *Parliamentary Papers*, Misc., No. 2 (1912).

³¹ Marten, *N.R.G.*, 3rd Series, VII, p. 266.

³² *Treaty Series* (1910), No. 21.

³³ For the convention of 1910, see Martens *N.R.G.*, 3rd Series, VII, p. 252.

of them prohibitive in character, had early been shown to be dependent on the collection of full information, on the widest publicity being given to the abuses revealed, on the remedies suggested, and, finally, on the pressure mobilizable against recalcitrant governments which failed to follow up their acceptance of the convention by national legislation or administrative regulations. The object of the paragraph was evidently further to extend the scope of the League's activity by filling a gap the existence of which before the war had seriously jeopardized the success of a number of international conventions. The Secretariat, through the collection and distribution of all relevant information, would wield a powerful weapon of coercion; while the further services foreshadowed might include not only the establishment of a special commission or administrative organ, subject again to the consent of the Council, but the preparation of the ground for future international conferences upon these problems.

The third paragraph provides for the inclusion within the budget of the Secretariat of the expenses of any bureau or commission placed under the direction of the League, subject again to the consent of the Council. It is not at all clear whether the intention of the framers of the Covenant was to offer an inducement to the unions already established to place themselves under the League or simply to provide the necessary financial arrangements for the operation of Article 24 as a whole. Further, it is doubtful upon what terms the Council would agree to the inclusion of the expenses of a bureau within the budget of the Secretariat. Would the bureau be required to cede any financial autonomy it might possess? Or would the League allow the bureau to make its own budgetary arrangements? Further difficulties appear when the different systems employed by unions for calculating the number of units to be paid by each state member are considered in relation, first, to the system adopted by the League and, secondly, to the divergent membership of the League and of any one international union.⁸⁴

The article draws the outline of an ambitious scheme for the League's future in international administration. This outline has been filled in by a series of subsequent interpretations. Effort has been mainly concentrated on giving greater precision to the definition of "direc-

⁸⁴ Cf. the system of apportioning the expenses of the League among the states-members, modelled upon that of the Universal Postal Union, with the voluntary method adopted by the International Institute of Agriculture.

tion," and to measures necessary for the exercise of the League's "direction;" on defining the terms of eligibility; and finally, on elaborating the mechanism for the invocation of Article 24.

As early as 1921, the Council found the necessity of giving greater precision to the indefinite term "direction;" and the rules embodied in the Hanotaux report of 1921,³⁵ with occasional restatement and elaboration, have remained the official interpretation. The definition rests on the intention of the authors of the Covenant, who had no wish to destroy the internal independence of the various international institutions concerned by interference with their constitutional provisions or their administrative arrangements. Their main object was to make the League the coördinating authority for the work of these institutions. The League's aim was not subordination but coöperation. Hence, the League would have to satisfy itself that the work of an institution requesting to be placed under the League was genuinely international, necessary, and not performed by another and parallel agency. The "direction" would be confined mainly to moral support, unless certain pretexts arose for a more active interference. These occasions would arise where an international bureau began to encroach upon a sphere other than its own, or when one international institution unjustifiably refused to coöperate with another, or where the activity of an institution was insufficient to promote its declared aims. Apart from these and similar exceptional cases, the League would have no justification in interfering with the internal organization of the institution or in introducing amendments to its established organization. Of course, there would be nothing to prevent the League from making "suggestions;" but these would have no obligatory force.

But while interference by this interpretation would be reduced to a minimum, certain measures would be necessary to ensure the exercise of the League's "direction;" although the exact degree of direction could be determined only with the consent of all the parties. It has been subsequently urged that the League would have the right to insist upon receiving all publications of the organization. The bureau would also be required to give all possible help to the league, within the limits of its competence. As a guarantee of the utility of its work, the bureau or commission would be asked to furnish an annual report to the Secretary-General. Not only would the League retain the right to make suggestions concerning the work or organization of the bureau,

³⁵ See *Minutes of the Thirteenth Session of the Council*, p. 54 and Annex 225.

but the latter would be required to provide a channel for their discussion and consideration. In the event of the application of Paragraph 3, the League's auditors would be authorized to undertake a verification of the accounts of the organization, and might, if the conditions warranted it, exercise supervision over the expenditure of its financial resources. These "minimum measures" would be supplemented by further action where the occasion demanded closer investigation and control. It has been suggested that the League should be consulted when an organization wishes to change its seat or to appoint or dismiss certain classes of officials. Finally, the institution might be asked to include upon its governing body or executive commission a representative of the League, either with full voting powers or in an advisory capacity. But the degree of "direction" clearly would vary with each particular case, and it has been found both difficult and inexpedient to lay down a hard and fast rule, incapable of variation.³⁵

The obscurity of the Hanotaux report upon the conditions of eligibility has been dispelled by subsequent rulings, notably by the Council during its 25th session.³⁷ The Council held that "Article 24 of the Covenant refers solely to international bureaus which have been actually established by general convention." The reason given for this decision was "the risk of diminishing the activity of those voluntary international organizations, the number of which is fortunately increasing, by even the appearance of an official supervision." Only so-called "public" organizations with established bureaus are eligible under Article 24. This ruling strictly disqualifies from the operation of the article all international organizations which are not based upon an international convention, but which are, in practice, recognized not only by governments but by the League itself. By the Hanotaux interpretation, there was nothing to prevent the Council from accepting the application of these hybrid organizations.³⁸ The eligible bureau,

³⁵ See *Records of 4th Session of Assembly, Plenary Meeting*, p. 320.

³⁷ See *Minutes of the Twenty-Fifth Session of the Council*, pp. 858 and 954.

³⁸ Until the resolution of the Council in its 25th session, there was nothing to exclude optional requests for affiliation under Article 24 from non-official bureaus. Requests were actually received from several such organizations, notably the International Institute of Commerce, the International Commission on Agriculture, and the International Bureau for Information and Enquiries regarding Relief to Foreigners. Moreover, the last-named was placed under the League's direction by a resolution of the Council of June 27, 1921. See *Minutes of the Thirteenth Session of the Council*, Appendix 225.

then, must now satisfy the League that it is a "public" organization, pursuing a function of international interest, with a personnel and financial position adequate for the performance of that function. In considering the application, the League would take into account the degree of universality of the membership of the organization and the permanent nature of the work undertaken.⁸⁹

But the main omission from Article 24 was the matter of machinery for its invocation and application. This defect has to some extent been remedied by the procedures since elaborated. A distinction must be drawn between three cases: (a) bureaus already established; (b) bureaus constituted after the League's formation, all of whose members are also members of the League; and (c) bureaus constituted after the League's formation, one or more of whose members are not members of the League.

(a) In the case of bureaus already established, a request for the application of Article 24 may be made on the initiative of the union. Alternatively, the Council or the Assembly may draw the attention of a union to the existence of Article 24.

(b) The position as to bureaus constituted after the formation of the League differs, because the framers of the Covenant clearly contemplated the automatic operation of Article 24, while they did not contemplate the abstention of the United States. It is difficult to acquit the Commission on the League of Nations of a charge of over-simplification in this respect. Not only was the membership of the League deliberately restricted in the first place, but they must have realized that, besides the excluded Central Powers, there would be other states at first or for a long period unwilling to join the League. Yet it was well known that many of the latter were prepared to take part in international organizations for a restricted purpose, which the League was designed to further. In view of these facts, an inconsistency may be found in this unqualified provision for automatic inclusion, in contrast to the basis of consent, which is the mainspring of the Covenant. Now it is clear that, where all the signatories of the convention are at the same time members of the League, the application remains automatic. Thus, any such union established after the entry into force of the Covenant is bound to make constitutional provision for the application of Article 24. In the event of their not doing so, the members of

⁸⁹ In view of the limited membership of a number of organizations which, nevertheless, pursue objects of a recognized international interest, the criterion of *function* is more generally applicable than that of *membership*.

the union are committing a breach of Article 20 of the Covenant, in as much as they are also signatories of the Covenant.⁴⁰ Alternatively, it would be difficult to argue against the view that members of the League have, as such, an obligation to see that Article 24 is applied to a post-Covenant union. Therefore, every state-member is presumed to have the right to propose, either in the Council or in the Assembly, that Article 24 be applied. The transference of the initiative to the Secretary-General might only prove an embarrassment. As the policeman of Article 24, he might find it difficult to exercise the prerogative of his calling and avert the constabulary eye from international agreements and bodies which clearly do not come within the scope of Article 24, but which may be brought by interested parties to his unwilling notice. Further, no state-member of the Council or the Assembly is justified in objecting in principle to the placing of a union under the direction of the League, provided the preliminary conditions are fulfilled. A state-member of the League would not be justified in vetoing the affiliation of a union under Article 24 on the ground that the state itself had not adhered to the union, when the latter fulfilled all the requirements of eligibility.

(c) Where, however, the members of the bureau are not all states-members of the League, the automatic procedure cannot in practice be applied. In strict law, those members of a union who were previous to its establishment members of the League may be held to have committed a breach of Article 20 by entering into an agreement which does not provide for the application of Article 24. But, as in so many other instances, the position of the United States has destroyed the practical value of this rule. For most purposes of international administration, the coöperation of the United States is essential. This consideration has led to a circumvention of Article 24 by the obvious device of reciprocity in silence. With the International Institute of Refrigeration, established in 1920, to which the government of the United States has appointed the American Association on Ice and Refrigeration as its official representative, this procedure has been adopted. In such cases, the procedure required for the application of Article 24 must, of necessity, be facultative and not automatic. The

⁴⁰ Article 20, Paragraph 1, of the Covenant of the League of Nations states that "the members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof."

request should originate from the governing body of the union; or a resolution of the Council or Assembly, upon the initiative of a state-member, should draw the attention of the union to Article 24.

There can be no doubt that the request of a union for the application of Article 24 must be in the form of an authoritative resolution of the governing body of that union; while the "direction" of the League must be established by a definite legal act, admitting of no future doubt. It is suggested that a resolution of the Council declaring that the institution is henceforth placed under the direction of the League would be the most appropriate method. This acceptance is dependent upon the fulfillment of any conditions which the Council may decide to propose. The value of this discretionary power would be all the greater where doubts have arisen concerning the desirability of the objects pursued, or the size of the membership of the institution, or any other issue. Moreover, the acceptance may be made conditional upon the performance of functions or measures of reorganization laid down by the Council. This power is inherent in the expressed intention of the framers of Article 24 to create in the League the coordinating authority of international activities.

There are no constitutional reasons to prevent the Council or the Assembly from seeking an advisory opinion from the Permanent Court of International Justice in the event of disagreement over the application of Article 24 in the case of a particular bureau. If the Council or the Assembly agreed in advance to accept the opinion of the Court as binding, this procedure would remove the danger of an abuse of its right of veto by a state-member. The Court would become a court of appeal, in so far as disputes connected with the application of Article 24 were concerned. Thus, subsequent interpretation has grafted on to Article 24 a more precise definition of its terms and a certain code of procedure.

The results so far achieved have been disappointing. It has been remarked that "the League has built a large and well-equipped hotel, but the guests are slow in arriving." No more than four organizations have been brought under the "direction" of the League. Of these, three—the Brussels Central International Office for the Control of the Liquor Traffic in Africa,⁴¹ the International Commission for Air

⁴¹ *Treaty Series* (1919), No. 19. The Convention of St. Germain replaced the abrogated Berlin Act of 1878. Placed under the direction of the League of Nations by the resolution of the Council of January 11, 1922.

Navigation in Paris,⁴² and the International Hydrographic Bureau at Monaco⁴³ are public post-war organizations; while the fourth, the International Bureau for Information and Enquiries regarding Relief to Foreigners⁴⁴ (also a post-war creation) is not strictly a public union. It is true that collaboration between the technical and other organizations of the League and various non-League international bodies has taken place to an increasing degree;⁴⁵ while the inclusion of the second paragraph of Article 24 has saved the article from insignificance by providing for an indefinite extension of the activities of the Secretariat.⁴⁶ The fact remains, however, that of over twenty public unions established before the Covenant, not one has accepted "a room in the hotel." These unions include some of the oldest, the most powerful, and the most essential international organizations. Again, the non-application of Article 24 to the International Institute of Refrigeration at Paris,⁴⁷ created since the Covenant, and to the recently established Bank of International Settlement at Basle,⁴⁸ suggests that the intention of the authors of the Covenant is far from achievement.

The attention of the four powerful organizations in Berne—the bureaus of the Universal Postal Union, the International Telegraphic and Radiotelegraphic Unions, the Railway Freight Transport Union,

⁴² *Treaty Series* (1922), No. 2. Placed under the direction of the League of Nations by the resolution of the 4th session of the Assembly. See *Records of 4th Assembly, Plenary*, p. 275.

⁴³ Placed under the direction of the League by a resolution of the Council, October 2, 1921. See *Official Journal*, December, 1921, p. 1166.

⁴⁴ This must not be confused with the International Relief Union to be created under the Geneva Convention of July 12, 1927, which is not yet in force. See *Official Journal*, VIII (1927), p. 997.

⁴⁵ E.g., the International River Commissions maintain close contact with the Communications and Transit Section of the League. The Universal Postal Union and the non-official International Criminal Police Commission both lend invaluable aid to the opium organization.

⁴⁶ E.g., in 1924 the Secretariat took over the work of the International Bureau for the Protection of Children, which had requested to be placed under the League's "direction" in 1921.

⁴⁷ *L.N. Treaty Series*, VIII, p. 66.

⁴⁸ See *Official Journal*, Records of Tenth Session of the Assembly, Minutes of Second Committee, p. 59, for the discussion of the resolution of the Norwegian and other delegations requesting the application of Article 24 to the Bank. The resolution was withdrawn in the face of opposition.

and the Industrial and Scientific, Literary and Artistic Property Union—was drawn to Article 24 in 1928. The Federal Council of Switzerland circularized among these bureaus a questionnaire as a result of the action of the Secretary-General of the League in sending to the federal government and the bureaus copies of a report by the Chinese representative. This report, accepted by the Council of the League, defined the measures necessary for the application of Article 24.⁴⁹ The replies received were unsatisfactory. Among the reasons for rejection, which differed widely, were the instability of the League, the danger of the political atmosphere of Geneva, the wider membership of the unions, and the impossibility of giving the League access to confidential minutes. The enunciation of these more or less superficial excuses absolved the unions from giving voice to two far more weighty objections—first, the well-established conservatism of the bureaus and their reluctance to disturb the existing régime, and secondly, the jealously-guarded prestige of the Swiss government.⁵⁰

What are the reasons underlying this comparative failure? First, it is clear that the framers of Article 24 worked in the belief that the League would be universal, with the temporary exception of the Central Powers. The abstention of the United States weakened in part the whole basis of the attempt to create in the League the center of consciousness of international organization. But the attitude adopted by the United States toward international technical organization, both within and without the framework of the League, suggests that this difficulty is not insuperable. The United States government not only sends representatives to the meetings of many of the League's technical bodies, but is a member of the International Hydrographic Bureau already placed under the "direction" of the League. Secondly, the apathy of public opinion has led to inertia among the agencies for the application of Article 24. No serious and comprehensive attempt has been made, through either the Council or the Assembly, to set the machinery in operation. In a word, Article 24 remains the Cin-

⁴⁹ Publications of the League of Nations, XII. B. *International Bureaus*, 1928, XII. B. I.

⁵⁰ By the conventions of the Universal Postal Union, the International Telegraphic and Radiotelegraphic Unions, the International Railway Transport Union, and the Union for the Protection of Artistic and Literary Property, and of Industrial and Scientific Property, the Swiss federal government, through its appropriate departments, is appointed to supervise the work of the bureaus established under these conventions.

derella of the Covenant. This attitude is indefensible, in view of the interests, not only of the League, but of international society as a whole.

The application of Article 24 is the more urgently needed because the peace settlement made possible a long overdue extension of international organization, both official and non-official, which had been held in abeyance only by the Great War. The Covenant itself provided for the formation of organizations dealing with a formidable list of problems. Never has the need of a coördinating and supervisory authority been more insistently felt by the experts actually engaged in the different spheres of activity. Whereas there were, before the war, three organizations concerned with the regulation of the international railway service, now there are five;⁵¹ and the same multiplication exists in other directions.

Moreover, separatism in international organization weakens the structure, not only of the League, but of each independent unit. Dispersion not only complicates the administrative arrangements necessary for international consultation, legislation, and execution, but weakens the influence which the more progressive elements in the international community can bring to bear upon the less enterprising. Each new organization established outside the "direction" of the League is weakening the latter's claim to be the center of the rising international society by distracting attention away from the League, by creating new vested interests in maintaining the separate establishment of the union, and by reducing the total sum of collective influence mobilizable in favor of international coöperation and the prevention of war. The successful formation and administration of an international society will depend upon the interaction and ultimate synthesis of different articulate international interests, in the same way that the condition of a national society is determined by the interplay and harmonization of varying vocational and functional interests.

Herein lies the fundamental importance of Article 24: it is, in principle, the bridge between international separatism and international federalism. Already, for certain purposes, states have agreed—and this

⁵¹ The Communications and Transit Section of the League of Nations, the Central Office for International Railway Freight Transport (both official organizations); the Federal Council of Switzerland, which is responsible for summoning regular conferences on Technical Uniformity on Railways and the European Timetable; and the International Railway Union and the International Railway Congress Associations—both non-official.

is the essence of the federal idea—to renounce their sovereignty.⁵² The tendency is discernible in the spheres, among others, of international communications, science, and social protection. It is essential that this evolution be facilitated by the development of an international federal idea, which must be a slow growth, feeding on practical manifestations of its inevitability. The concentration under the “direction” of the League of all essential international activity would tend, as it has already tended, to stimulate this growth. For federalism springs from two necessities—the avoidance of separate extinction and the performance of positive services, neither of which can be achieved by the individual units of the federal body. The separate national states-members of the League may be conceived as walking mid-way between isolation and federation, in face of the above-mentioned necessities. It may be argued that the path of “collaboration” is easier to tread, while it is as efficient in the performance of the required function. But this view avoids the problem. Collaboration is in no way obligatory. The international regulation of public services would, however, be impossible without the certainty of performance which the acceptance of an obligation binding the contracting parties to invest an international administrative body with the power to perform an essential function alone would assure. Article 24, then, can play a vital rôle by fitting each mosaic of international life into its appointed place in the general pattern, and thus strengthening the growth and appeal of the federal conception.

Attention may now be drawn to the lines upon which practical action may proceed to give effect to the provision of Article 24. The Secretary-General should be requested to prepare the ground thoroughly for a comprehensive examination of the possibilities of Article 24 by the Assembly or Council through a committee of experts. The analogy for such an inquiry could be found in the “De Broukere committee” upon Article 11. The terms of reference of this inquiry should include not only an examination of the validity and expediency of the various interpretations given to Article 24 since 1920,⁵³ but the

⁵² See Universal Postal Union, Convention of London, 1929, Article 1.

⁵³ The rules of eligibility especially demand reconsideration. According to one view, the Council, in limiting the application of Paragraph 1 to bureaus or commissions established under general international conventions, has disregarded the intentions of the authors of the Covenant. The strict exclusion of the large number of international unions not established by a diplomatically-concluded general convention, but whose status may be described as semi-public in view of the interest

recommendation of measures and machinery necessary for the application of the article. It would seem that the time is opportune for the summoning by the Council of a consultative conference of the directors or other representatives of international official and semi-official bureaus and organizations with a view to the formulation by the technical organizations, first, of their attitude toward Article 24 and the principle of collective international coöperation, and secondly, if the conditions warrant it, of a definite resolution, recommending the application of Article 24 to the governing bodies or congresses of the several non-affiliated organizations. Further, the attention of states-members of the League should be drawn to the opportunities provided by the meetings of the governing bodies of any unions of which they are also members for raising seriously the issue of Article 24. But both lines of approach should be cleared of preliminary obstacles through the action taken by the Secretary-General and the committee of the Council.

Finally, the full achievement of the aims of the authors of the Covenant can hardly be realized without the establishment of a permanent organization representative of the different branches of international official and semi-official activity. The need for such an institution is urgently felt for the performance of three main functions. First, a permanent commission of international coöperation would substitute regular for fortuitous coördination by providing an instrument for collective coöperation. Second, any disputes between international organizations arising from encroachment, non-performance, or status, could be brought before the commission for settlement. Third, a permanent commission in close touch with the political microcosm of Geneva would be in a position to crystallize authoritatively the demands of official and semi-official international organizations for

and aid lent to their activities by governments or administrations, in no way helps to establish the League as the apex of international coöperation. The distinction between public and private organizations, upon which legal formality still insists, has pragmatically broken down. Rigid insistence on an outworn principle must prejudicially affect the fulfilment of the purpose of Article 24. Similarly, strict rules requiring that the governing body of a bureau should be composed of a large majority of official representatives are to be condemned. It may be presumed that the effective collaboration of a group of governments with a number of authoritative private organizations for an object of international interest approved by the Council would be a sufficient guarantee for the latter body, even though the governing body of the union were composed mainly of the delegates of the private organizations.

the full recognition in international law of their public status. For, in extending the conception of international departmental government by an international civil service lies the future success of an inevitable sociological development. The establishment of a Permanent Commission of International Coöperation would signalize the first recognition of functional federalism in international government.

S. H. BAILEY.

London School of Economics and Political Science.

Federal Governments and International Labor Agreements. The International Labor Organization has become one of the most active of all the international institutions of the post-war period. According to the treaty of Versailles, international labor conferences, composed of delegates from countries which are members of the International Labor Organization, are to meet annually to consider and adopt recommendations and conventions applicable to labor problems and conditions throughout the world. The subjects for a number of possible agreements are suggested in the Versailles treaty, and include the right of association of laborers, the establishment of the eight-hour day, the adoption of the weekly rest period, the abolition of child labor, and various related matters. In drafting conventions and recommendations, the conferences are to be guided by a number of principles laid down in the Versailles treaty, and are asked to recognize that "differences of climate, habit and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labor difficult of immediate attainment."¹

Economic difficulties alone were recognized, at first, by the makers of the treaty of Versailles as standing in the way of the attainment of "strict uniformity in the conditions of labor." It was, however, soon brought to the attention of the Peace Conference that governments might not all prove equally competent constitutionally to deal with labor problems, and that some might prove totally lacking in legal capacity to adhere to the proposed labor conventions. This legal limitation was felt to be especially likely to arise in the case of federal governments, in many of which all matters of labor legislation are reserved to the member-states, and hence are beyond the legislative powers of the central governments. It was predicted by some that these legal difficulties would prove more stubborn obstacles to the uniform

¹Treaty of Versailles, Art. 427.

regulation of labor matters than differences in climate, habits and customs, and economic opportunity.²

After sharp disputes upon the point, the Peace Conference decided to make special provision for legal as well as economic differences among the various countries. As a result, the following clause was included in the treaty of Versailles, making concessions to those governments whose constitutional power to deal with labor problems might be subject to limitations: "In case of a federal state, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that government to treat a draft convention to which such limitations apply as a recommendation only."³

The first international labor conference met in Washington in 1919 and drafted agreements dealing with six different subjects, i.e., hours of labor, unemployment, night work for women and children, care of women before and after child-birth, and the minimum age for the entrance of children into industry. Including that of 1929, eleven conferences have adopted a total of twenty-six conventions and thirty recommendations, which range in subject-matter from the medical inspection of persons employed at sea to the establishment of public employment agencies.⁴ Every state represented at a conference is under obligation to submit the conventions and recommendations agreed upon to the "competent authority" of its own government for decision within eighteen months after adoption by the conference.⁵

United States. The United States is not a member of the International Labor Organization. The government of the United States has, at times, supplied information to the director of the Labor Office, but it has not participated, officially or otherwise, in the international conferences.⁶ Consequently, none of the labor conventions has been submitted to the United States for ratification, and no proposal to consider them has been officially entertained.

It is evident that most of the subjects with which the international

² Hetherington, *International Labor Legislation* (1920), p. 35.

³ Treaty of Versailles, Art. 405.

⁴ See the tables in the *Report of the Director of the International Labor Office* (1930), pp. 99-132.

⁵ Treaty of Versailles, Art. 405.

⁶ At the invitation of the government of the United States, the first of the international labor conferences was held in Washington in 1919. Although the Secretary of Labor was elected chairman of the conference, he acted in that capacity as a private individual. The United States was not represented officially.

conventions deal do not fall within the range of the legislative authority of the national government. The regulation of hours of work, unemployment, and child labor⁷ are matters under the jurisdiction of the several states. Whether the United States, by the exercise of its treaty-making power, can become a party to the labor conventions, or, for that matter, to any conventions dealing with subjects within the legislative control of the states, is a question of constitutional law which has aroused the sharpest differences of opinion.⁸ It would, however, be possible for the United States to accept the agreements and to treat them as recommendations only, in accordance with Article 405 of the Versailles treaty. The political probability of its doing so seems, however, extremely remote.

Argentina. Argentina has not, up to the present time, ratified any of the international labor conventions. The failure of the government to do so is to be explained by economic, rather than by legal, causes. The president has recommended to Congress ten of the agreements for ratification, but that body has taken no definite action upon any of them. Some of the conventions recommended deal with hours of work, unemployment, minimum age of children in industry, and night work of women and children.

The government of Argentina does not consider that its power to adhere to, and to enforce, the labor conventions is affected by its federal type of organization.⁹ In spite of the fact that some of the treaty subjects, such as labor in agriculture, are under the jurisdiction of the provinces, the national government deems itself competent to adhere to any agreement which it negotiates. All provincial constitutions and laws inconsistent with a national treaty become void;¹⁰ and even the reserved powers of the provinces are no barrier to the adherence of the national government to the treaties. For example, the law of procedure is left by the national constitution to the regulation of the provinces. Yet, in 1889 the central government agreed to an international convention upon that subject which clearly invaded the

⁷ *Adkins v. Children's Hospital*, 261 U.S. 525.

⁸ Chamberlain, in *Procs. Amer. Acad. Pol. Sci.*, VIII, 90-99 (1919); Parkinson, in *Amer. Labor Leg. Rev.*, IX, 21-32 (1919); Borchard, in *Yale Law Jour.*, XXIX, 449; Mikell, in *Penn. Law Rev.*, LVII, 435; Willoughby, *Constitutional Law in the United States* (2nd ed.), I, 518.

⁹ Calderón, *Manuel de la Constitución Argentine*, p. 519.

¹⁰ González, *Manuel de la Constitución Argentine*, p. 413.

powers of the provinces. No question of its legal right to do so was ever raised.¹¹

The requirements of a number of the international labor conventions have been fulfilled by national legislation, but without formal ratification. For example, on June 3, 1921, the Chamber of Deputies adopted a bill limiting hours of work to eight in the day and forty-eight in the week in industrial and commercial undertakings, and the provisions of this bill reproduced in all essential points the articles of the Washington Draft Convention.¹² Other conventions which have been similarly treated include sickness insurance, inspection of emigrants, repatriation of seamen, and equality of treatment between foreign and native laborers in respect to accident and workmen's compensation.¹³ All of these acts are the results of national legislation, and no question of the legal right of the government to take these steps has been raised by the several provinces.

Brazil. Brazil, like Argentina, is a highly centralized federation in which the checks upon the central government are more likely to be political than legal. The powers of the national government, in fact, are so numerous and so broad that most subjects which are likely to become matters for international negotiation are already within the authority of that government.¹⁴

The president of the republic has recommended four of the labor agreements for ratification; but, up to the present, no formal action has been taken. These conventions concern the regulation of the hours of labor, unemployment, care of women before and after childbirth, night work for women, and child labor in industry.¹⁵ Although the agreement concerning hours of labor was not ratified, the International Labor Office was informed that the bill concerning the regulation of the hours of work in industry and commerce, drawn up by the Commission on Social Legislation, had been adopted without discussion by the Chamber of Deputies.¹⁶

The federal character of the government was evident in the action taken upon the conventions dealing with labor in agriculture. The

¹¹ *Proceedings of the First International Conference of the American States* (1889), p. 923.

¹² *Report of the Director of the International Labor Office* (1921), p. 29.

¹³ *Ibid.* (1921), pp. 91-103.

¹⁴ Constitution of Brazil, Art. 34.

¹⁵ *Report of the Director* (1930), pp. 99-133.

¹⁶ *Ibid.* (1924), p. 145.

subject-matter of the conventions dealing with minimum age for workers, the right of association, and workmen's compensation in agricultural occupations are within the legislative powers of the states; and those agreements were submitted by the national government to the several states, with no suggestion as to their disposition. No information is yet available as to the action of the states.

It is not at all clear, in view of the nature of the treaty-making powers of the Brazilian government, that the action of the central government in submitting the conventions to the states was legally necessary. The reserved powers of the states in the past have proved no barrier to the making of international agreements, which, when made, become superior to all inconsistent state legislation.¹⁷ The deference here paid to the states appears to be due to economic variations within the country, rather than to legal restraints upon the powers of the central authority.¹⁸

Mexico and Venezuela. Mexico is not a member of the International Labor Organization. At the present time, however, the government is drafting a complete national labor code (a part of which has been adopted by the Chamber of Deputies), which will fulfill the requirements of a number of the international conventions. All legal barriers confronting ratification of the agreements were removed by a constitutional amendment in 1929.

Venezuela has ratified none of the labor agreements, because of economic difficulties.¹⁹ The fact that the government has been under an actual dictatorship for the past twenty years makes any study of constitutional problems virtually useless.

Canada. The treaty-making power of Canada extends to all subjects within the legislative control of the Dominion, and the government at Ottawa may take all steps necessary to fulfill the obligations of the treaties to which it is a party.²⁰ However, whether the Dominion has power to adhere to a convention dealing with a subject which lies wholly within the competence of the provincial legislature is a matter of sharp controversy.²¹ In practice, the Dominion usually declines to

¹⁷ Barbalho, *Constituição Commentaries* (2nd ed., 1924), p. 149 ff.

¹⁸ James, *The Constitutional System of Brazil*, p. 109, gives a brief discussion of the states in Brazil.

¹⁹ *Report of the Director* (1924), p. 156.

²⁰ British North America Act, Sec. 132.

²¹ Keith, *Responsible Government in the Dominions*, II, 1122.

adhere to such treaties unless the provinces signify their willingness to have it do so.²²

Immediately after the conventions adopted by the first labor conference were submitted to Canada, the International Labor Office was informed "that the hours-of-work draft convention, as well as four of the other draft conventions adopted at Washington, is within the competence of the provincial authorities."²³ Of the conventions drafted since 1919, the Dominion government has ratified those dealing with unemployment indemnity, minimum age for seamen, minimum age for stokers and trimmers, and the medical inspection of seamen—all of which were within the jurisdiction of the central authorities.²⁴

In 1924, reference was made to the Supreme Court of Canada to determine the relative powers of the Dominion and the provinces to meet the obligations assumed under the International Labor Organization. The unanimous judgment of the court was that in so far as the conventions dealt with matters under its legislative control, the Dominion was at liberty to adhere; but if the subject-matter lay within provincial competence, the Dominion could not bind the provinces without their consent.²⁵

Among the provinces, British Columbia has adopted an act which meets the provisions of the international agreement regarding hours of work, and Nova Scotia and Saskatchewan have adopted the principles of the agreement on agricultural education.²⁶ A federal-provincial conference, held in 1924, discussed the possibility of mutual action upon several of the agreements, but no policy was formulated.²⁷

Australia. Most writers on the government of Australia agree that the power of the Commonwealth over "external affairs"²⁸ does not include the right to contract international agreements which involve matters reserved to the states.²⁹ Since the labor conventions in almost every case deal with matters which, in Australia, are under state

²² Lefroy, *Constitutional Law of Canada* (1918), p. 174.

²³ *Report of the Director* (1921), p. 87.

²⁴ *Ibid.* (1930), p. 132.

²⁵ *Canadian Annual Review* (1925-26), pp. 287-288.

²⁶ *Report of the Director* (1925), p. 314.

²⁷ *Ibid.* (1924), p. 243.

²⁸ Constitution of Australia, Art. 51, sec. 9.

²⁹ Moore, *The Constitution of the Commonwealth of Australia*, p. 489; Quick and Garrahan, *The Constitution of Australia*, p. 362; Keith, *The Constitution, Administration, and Laws of the Empire*, p. 229.

jurisdiction, the attitude of the Commonwealth in declining to adhere is not surprising. The prime minister informed the Labor Office in 1925 that it was for "each of the federal states of the Commonwealth to examine the extent to which the draft conventions adopted at Washington shall be ratified or applied."³⁰ The Commonwealth ratified the convention on the employment of seamen, a subject which fell within its jurisdiction. All other agreements, however, have been referred to the several states for action. While only a few of the conventions have been adopted by them, the Commonwealth government has reported that, because of the advanced stage of social legislation in Australia, the provisions of thirteen of the conventions were already being fully satisfied by the regulations of the states.³¹

Switzerland. Switzerland has been active for many years in seeking to secure international coöperation in the regulation of labor problems. The Berne convention of 1906 regulating the manufacture of phosphorus matches is a concrete expression of that great interest. In dealing with the agreements drafted by the international labor conferences, Switzerland has shown a most friendly attitude.

The treaty-making power in Switzerland is broad, and includes subjects under the control of the cantons as well as those under federal jurisdiction.³² Yet, as a matter of fact, the central government is careful to negotiate treaties only upon subjects within federal jurisdiction, and for this reason the Swiss government has declined to ratify a number of the conventions. With regard to the ratification of the agreement upon the period of weekly rest, the government reported that "the adherence of Switzerland would, in the view of the Federal Council, only be possible on condition that undertakings under cantonal authority could be excepted from the field of application of the convention."³³ The same view was expressed as to the conventions concerning night work for women and the employment of children in agriculture.³⁴

The Federal Council has, however, ratified six of the conventions, among which those on unemployment, minimum age in industry, and

³⁰ *Report of the Director* (1925), p. 246.

³¹ *Ibid.* (1930), pp. 99-132.

³² Triepel, *Völkerrecht und Landesrecht*, p. 357; Blumer, *Schweizerisches Bundesstaatsrecht*, pp. 228-233; Fleiner, *Schweizerisches Bundesstaatsrecht*, p. 55 ff.

³³ *Report of the Director* (1924), p. 197.

³⁴ *Ibid.* (1924), pp. 241, 252.

workmen's compensation are the most important.³⁵ A number of other conventions have been adhered to in part, or have been fulfilled by the laws of the cantons. The Federal Assembly deliberately advised against the regulation of hours of work, however, on the ground that such regulations would not be economically possible until competing nations should take similar action.

Germany. Under the constitution of Weimar, the German republic is practically a unitary state.³⁶ The central authority is entrusted specifically with broad powers, and, further, is granted blanket authority over "social welfare," a phrase which is capable of elastic interpretation.³⁷ The powers of the states under the new constitution have been restricted rigorously, and the authority of the central government over labor problems has been correspondingly enlarged.

There is no doubt that Germany is legally capable of subscribing to any or all of the labor treaties.³⁸ Already, fifteen conventions have been ratified, among which are those on unemployment, workmen's compensation, equality of treatment for foreign and domestic laborers regarding accident compensation, etc.³⁹ No question of the rights of the states has been raised, and it will not be necessary for the national government to decline ratification for lack of competence.

It may be said, in summary, that Australia and Canada are the only federations whose power to adhere to the international labor conventions is legally limited by the states. The United States, Brazil, Switzerland, and Mexico will probably find it legally possible to adhere without regard to the constituent states; but the practice in these federations will no doubt be to decline to ratify formally if the subject of the treaty should lie within the legislative powers of the states. In Germany, Venezuela, and Argentina, the federal type of organization leaves the treaty-making power legally unaffected. Yet, on the whole, the federal governments will find adherence to the labor treaties a more difficult matter than will unitary governments; and in the former, legal barriers may well prove of greater importance than economic restraints in the regulation of labor problems.

University of Nebraska.

HAROLD W. STOKE.

³⁵ *Ibid.* (1930), p. 132.

³⁶ Oppenheimer, *The Constitution of the German Republic*, p. 21 ff.

³⁷ Constitution of Germany, Art. 9, sec. 1.

³⁸ *Ibid.*, Arts. 45, 78.

³⁹ *Report of the Director* (1930), p. 131.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

By vote of the Executive Council, the next annual meeting of the American Political Science Association will be held at Washington, D.C., on December 28-30. The chairman of the committee on program is Professor John M. Gaus, of the University of Wisconsin.

Professor Charles C. Hyde, of Columbia University, has been appointed the American member of the international commission provided for by the conciliation treaty between the United States and Venezuela.

Dr. William Y. Elliott has been advanced from an associate to a full professorship of government at Harvard University.

Dr. Charles W. Pipkin, of Louisiana State University, will be visiting professor of social legislation at Columbia University during the next academic year.

Professor Arthur W. Macmahon, of Columbia University, will serve as acting associate professor of government at Stanford University during the coming summer quarter.

Professor George H. Blakeslee, of Clark University, has been appointed Frank B. Weeks visiting professor at Wesleyan University for 1931-32. He will give courses on international law and international relations.

Dr. Robert S. Woodworth, professor of psychology in Columbia University, has been elected president of the Social Science Research Council in succession to Dr. Edwin B. Wilson, professor of vital statistics at Harvard University. Dr. Woodworth will continue to carry on part of his work at Columbia.

Dr. Allen Johnson, who died in Washington in January, has been succeeded as editor of the *Dictionary of American Biography* by Dr. Dumas Malone, co-editor since 1929. The sixth volume of the *Dictionary* appeared in February, and the seventh is now in press.

During the current semester, Professor Johannes Mattern, of the Johns Hopkins University, is conducting a graduate course in international law at the law school of Georgetown University. He has received an initial grant from the Social Science Research Council for a study of the judicial system of Germany and will begin his investigation during the coming summer.

Dr. Arthur L. Goodhart, formerly professor of law at Yale University, and more recently a barrister of the Inner Temple in London, has been elected professor of jurisprudence at Oxford University. Since 1925, he has been editor of the *Law Quarterly Review*, the organ of the British legal profession.

Professor Clyde L. King of the University of Pennsylvania, occupies the post of secretary of revenue of Pennsylvania, under appointment by Governor Pinchot. In the previous Pinchot administration, Dr. King served as secretary of the commonwealth and drafted the budget system now in use in the state. Dr. Edward B. Logan, assistant professor of political science at the University, has been appointed secretary of the budget of Pennsylvania.

Dr. Joseph R. Starr, instructor in political science at the University of Minnesota in 1929-30, is at present studying in England and France on a Social Science Research Council fellowship, but will return to the University in the fall as assistant professor of political science. He will offer courses in the fields of comparative government and political parties.

Professor Linden A. Mander, of the University of Washington, is visiting professor at the University of Hawaii during the spring and summer quarters, and Professor Paul S. Bachman, of the University of Hawaii, is visiting professor, in exchange, in the department of political science at the University of Washington.

Professor Charles E. Martin, of the University of Washington, will be a visiting professor at the University of Southern California during the summer of 1931, and Dean William H. George, of the University of Hawaii, will be a visiting professor of political science at the University of Washington. Professor Francis G. Wilson, of the latter institution, will give courses in the summer session of the University of Oregon.

Dr. Louis K. Manley, dean of the school of business administration at the University of Pittsburgh, has resigned in order to spend some time in the study of political matters in Europe.

Dr. Walter R. Sharp, fellowship secretary of the Social Science Research Council, and Dr. Edwin E. Witte, director of the Wisconsin Legislative Reference Library, will be members of a party visiting Europe during the summer under the auspices of the Carnegie Endowment for International Peace.

Professor Allan F. Saunders, of the University of Minnesota, has accepted a call to Scripps College, at Claremont, California.

Mr. Edwin O. Stene, instructor at the University of Minnesota, and a candidate there for the doctor's degree in June, has accepted an instructorship in political science at the University of Cincinnati.

Professor Louis B. Schmidt, of Iowa State College, will conduct courses in American history and international relations at the University of Alabama during the coming summer session.

Mr. Donald Burke has been appointed instructor in political science at the University of Pennsylvania. He is a graduate of the Wharton School of the University and of New York University Law School, and has practiced law for several years in Philadelphia, taking an active part in local politics. Mr. William E. Lingelbach, Jr., has resigned as an instructor in international law, and has been succeeded by Mr. Edward Evans, a graduate of Haverford College and of the Pennsylvania Law School.

The Bureau of International Research of Harvard University and Radcliffe College has made a grant to Professor Carl J. Friedrich, assistant professor of government at Harvard, to enable him to complete his comparative study of the conduct of foreign affairs under parliamentary governments. The study includes England, France, Germany, Holland, Belgium, Denmark, Sweden, Norway, Czechoslovakia, and Austria. Professor Friedrich expects to be in Europe during the academic year 1931-32.

A conference of teachers of political science in the universities, colleges, and normal schools of Pennsylvania was held at Harrisburg on April 2-3. One session was devoted to financial problems of the state

of Pennsylvania; a second, to electoral reform and the proposed election code; and a third, to the public utility problem in Pennsylvania. It is planned to continue the conference from year to year.

The *Canadian Historical Review* will publish in September its annual list of master's and doctor's theses in preparation on subjects relating to Canadian history, government, and economics. Titles of theses to be included in the list should be reported to Miss Alison Ewart, University of Toronto, Toronto, Canada.

Gifts totalling \$150,000, from Ohio civic and industrial leaders, were announced in February by the Institute of Law of the Johns Hopkins University, and are to be used to promote studies of records and statistics of civil, divorce, and criminal litigation in Ohio.

Under the auspices of the School of Public and International Affairs at Princeton University, a conference on the press was held at Princeton on April 23-25. Among features of the program were a lecture on the growth of public opinion in China, by Professor Leonard Hsu, of Yenching University; a session presided over by Mr. David Lawrence, of the *United States Daily*, on the press and the government; and a session addressed by Mr. J. V. A. MacMurray and others on the press in international relations.

The Chicago police survey, which was made by Mr. Bruce Smith, of the National Institute of Public Administration, and a special staff composed of Messrs. L. S. Timmerman, Earle W. Garrett, Arnold Miles, Donald C. Stone, and Kenneth A. Rouse, has been completed, and the results are set forth in a volume entitled *Chicago Police Problems* (University of Chicago Press).

The honorary political science fraternity, Pi Sigma Alpha, which now has chapters in seventeen of the larger universities, held its first national convention at Cleveland on December 30. Officers elected were: Professor C. Perry Patterson, of the University of Texas, president; Professors C. W. Pipkin, of Louisiana State University, and Francis G. Wilson, of the University of Washington, vice-presidents; Professor Harvey Walker, of Ohio State University, secretary-treasurer; Miss Dorothy Jean Painter, of Ohio State University, national editor; and Messrs. Paul K. Walp, of the University of Kentucky, Campbell B. Beard, of Brown University, and Harwood Childs, of Bucknell University, members of the executive committee.

Under the auspices of the department of political science of Ohio State University, a meeting of teachers of political science in Ohio colleges was held at Columbus on April 3-4 in connection with the spring meeting of the Ohio College Association. Principal addresses were delivered by Professor Harold J. Laski, at present lecturer at Yale University, and Professor Thomas H. Reed, of the University of Michigan. A special round table on training for public service was held on the closing day of the meeting.

The Institute of Public Affairs, held annually at the University of Virginia, will extend this year from June 28 to July 11. As usual, there will be both public addresses and round tables. Among the latter will be one on law enforcement, led by Professor Raymond Moley, of Columbia University; one on Latin American relations, led by President Herman G. James, of the University of South Dakota; another on problems of municipal administration, led by Professor Thomas H. Reed, of the University of Michigan; and one on regionalism, led by Mr. Lewis Brownlow of Chicago. Dean Charles G. Maphis continues as director of the Institute.

At a meeting of the State Conference of Louisiana Teachers of the Social Sciences, held at Baton Rouge, April 10-11, two addresses were delivered by Sir Herbert B. Ames, treasurer of the League of Nations in 1919-26; and discussion sessions were devoted to a number of questions such as the relations of the Southwest and of Louisiana to the rest of the world, methods of making problems of public life real to the student, and the teaching of citizenship in terms of American life of today. Professor Charles W. Pipkin was chairman of the committee in charge.

The ninth annual session of the Academy of International Law at The Hague will extend from the coming July 6 to August 29, the period being divided into two terms of equal length. As heretofore, instruction will be given in French, and will be suited to all who possess some knowledge of international law. The long list of lecturers includes Professor James W. Garner, of the University of Illinois, on recent tendencies in international law, and Professor Ernest M. Patterson, of the University of Pennsylvania, on the economic bases of peace. Persons desiring to attend should apply to the secretary of the Managing Board of the Academy, Room 50, Peace Palace, The Hague, giving full name, nationality, occupation, and address.

The twenty-fifth annual meeting of the American Society of International Law was held in Washington on April 23-25. The principal subjects which appeared on the program were: obligatory jurisdiction of the Permanent Court of International Justice, Amos J. Peaslee, of the New York Bar; the "Rcot formula" for the accession of the United States to the Court, Philip C. Jessup, of Columbia University; the independence of the Court in its constitution and jurisdiction, and in the law to be applied, Manley O. Hudson, of the Harvard Law School; the policy of the United States in recognizing new governments during the past twenty-five years, Green H. Hackworth, of the Department of State; and the legal position of war and neutrality during the last twenty-five years, Charles E. Martin, of the University of Washington.

A conference on university training for the national service will be held at the University of Minnesota, July 14-17. Among the participants will be representatives of the United States Civil Service Commission and of several departments of the national government, several presidents of universities, deans of colleges, and heads of departments interested in special lines of training for national service, representatives of the committee on public administration of the Social Science Research Council, and the members of the sub-committee on personnel of the Committee on Policy of the American Political Science Association. The conference will deal not only with training in public administration, but also with training in law, medicine and public health, engineering, economics, agriculture, and several other specialties. In preparation for the conference, research work is being done in Washington and at the University of Minnesota, with a view not only to finding what specialized training is now being offered in universities for different branches of the national service, but also to ascertaining the number of different types of positions available in the national service, the entrance requirements, and other conditions affecting such employment. Members of political science departments and others interested in training for the public service are invited to attend.

Progress Report of the Committee on Policy. The American Political Science Association's new Committee on Policy held its first meeting at Princeton University on February 13 and 14, the following members being present: Edward S. Corwin, Frederic A. Ogg, Thomas H. Reed, W. F. Willoughby, Charles A. Beard, Charles E. Merriam, Harold W. Dodds, B. F. Shambaugh, Arthur N. Holcombe, Isidor Loeb, William Anderson, Luther Gulick, and Harvey Walker. The

larger part of the time was devoted to meetings of the four sub-committees, each of which developed a definite program of work and was allotted an appropriation from the funds of the Committee for carrying it on.

The sub-committee on research proposes (1) to secure information regarding the directions that political science research can most profitably take, and (2) to prepare aids to students, particularly younger students, in undertaking and prosecuting political science research. The first of these ends it hopes to attain by securing from a selected body of mature students and productive scholars among American political scientists, and from eight or ten leading students of political science abroad, articles of specified length setting forth the topics of inquiry which each believes important, why he believes them important, and the general character of the recommended studies. The sub-committee felt that it was desirable to offer an honorarium of one hundred dollars to each of the foreign scholars whose contribution is solicited. It is hoped that the result of this inquiry will be a symposium of highly stimulating and informative character that will be published as a volume. The sub-committee also proposes to prepare a selected bibliography of political science and a handbook for political science research workers containing information concerning agencies engaged in research, periodicals, serials, source materials, fellowships, etc., which will aid scholars in planning their work.

The sub-committee on personnel decided to proceed with the placement service for teachers of political science which had already been tentatively undertaken. It proposes to investigate the number and types of positions available and the training now required for such positions, particularly in college teaching, but also in the public service. It further plans to prepare a general research program dealing with training for the public service, to be carried out in conjunction with other organizations. The sub-committee is in favor of having those who enjoy the advantage of the placement service pay a small fee therefor; and a recommendation to this effect will be presented to the Council at its next meeting.

The sub-committee on publication decided to recommend that, beginning with the year 1932, six, instead of four, numbers of the *Review* be issued annually, and that six hundred dollars annually be appropriated from the funds of the Committee on Policy for editorial assistance. It also considered the publication of a political science classics series, a political science monograph series, and a political science docu-

ment series, and decided to send a questionnaire to the members of the Association for an expression of their opinion on these matters.

The sub-committee on political education has divided its work into two parts: (1) the promotion of the teaching of political science in elementary and high schools and (2) the organization of a number of regional conferences each year on governmental topics, composed of fifteen to twenty politicians, officials, interested laymen, and political scientists, the aim being to foster close personal contact between prominent political scientists on the one hand and the officials and politicians on the other—groups that nowadays not uncommonly regard one another with distrust.

After hearing these reports, the Committee on Policy adopted the following budget:

Sub-committee on Research	\$ 3,500
Sub-committee on Personnel	1,775
Sub-committee on Publication ..	750
Sub-committee on Political Education	5,500
General Chairman (office and travel)	1,500
<hr/>	
Total	\$13,025

The balance of the grant from the Carnegie Corporation is left unappropriated to cover emergencies and such further meetings of the general committee as may be necessary. Very little more time and money will be devoted to such meetings; there will probably not be more than one during the remainder of the year, perhaps in connection with the summer meeting of the Council. The sub-committees, however, are all vigorously at work. The Committee will welcome suggestions from any member of the Association as to methods and as to subjects to be dealt with.

University of Michigan.

THOMAS H. REED, *Chairman.*

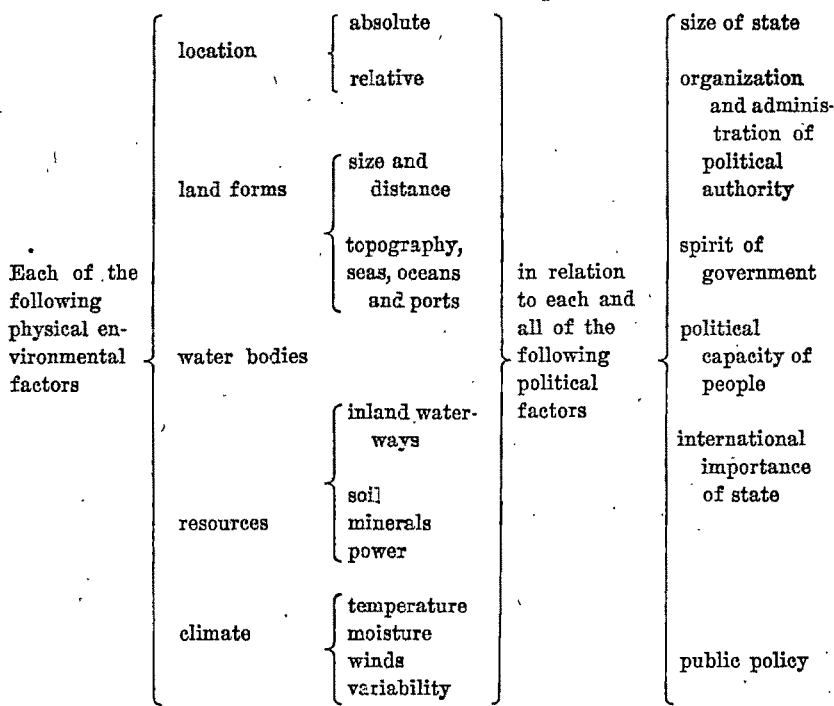
Political Geography as a Political Science Field. "Physical environment never compels man to do anything; the compulsion lies in his own nature. But the environment does say that some courses of conduct are permissible and others impossible."¹ Do these words of Dr. Ellsworth Huntington apply to the political scientist's special preserve? Some geographers have thought so. They have written books designed to disclose relationships between physical environment and politics.² Geography departments occasionally offer university courses

¹ E. Huntington, *The Human Habitat* (New York, 1927), p. vi.

² Cf. I. Bowman, *The New World* (4th ed., Yonkers, 1928); E. Huntington and

called "political geography."² Political scientists, on the contrary, seem to have paid less attention to the geographical implications of their subject. Upon repeated occasions, the writer has elicited reactions of astonishment and scepticism from friends and colleagues in response to the suggestion that regional geography is the "bed rock" upon which political science is founded. For this reason, he welcomed the opportunity to organize a course on "political geography" in the political science department at Stanford University during the year 1929-30. This note is inspired by the thought that the scope and initial results of this experiment may interest political science teachers and students elsewhere.

The following schematic diagram suggests the types of questions raised and discussed in connection with each political area studied:



S. W. Cushing, *Principles of Human Geography* (2nd ed., New York, 1922), Chaps. XXI-XXII. Many others might be cited.

² Such courses are advertised by the geography departments of the University of Chicago, the University of Nebraska, and the University of Washington. Further search might reveal others.

The size of a state and the nature of its boundaries often exhibit relationships to geographic facts. It is obvious that its island seat limits the size of the United Kingdom, or that the Pyrenees mountains form a "natural" boundary between France and Spain. Other correlations of this character may be more obscure. The political importance of such factors appears frequently, as, for instance, in the Italian insistence upon certain frontiers in the Alps, or the French desire to extend territorial sovereignty to the Rhine.

The articulation of physical environment with the organization and administration of political authority upon a national or an international scale is a matter of fundamental concern to the student of politics. Distance and area may impose real limitations upon the efficiency of civil administration. Tendencies toward federal centralization in the United States, the regionalist movement in France, and plans for devolution in Great Britain undoubtedly have geographical connotations as yet largely unexplored. Regional planning, whether on a municipal or on a grander scale, must inevitably take account of the physical advantages and limitations of the area under consideration.⁴ Political sectionalism and sudden shifts in partisan allegiance may likewise depend upon climatic or other physical factors to an extent as yet insufficiently recognized.⁵

Most illusive is the matter of the "spirit of government." Latin American peoples have failed to work political institutions patterned more or less closely after the North American model with anything like the results attained in this country. New Zealanders and Australians have developed traditions regarding the scope of governmental operations quite foreign to Anglo-Saxon notions elsewhere. In the United States, there exist deep-seated beliefs regarding the principle of democratic government, personal liberty, governmental interference with business, and many other matters. It is well to inquire to what extent typical American stereotypes may have been conditioned by an abundance of cheap land, great natural wealth, a variable and stimulating climate, and a location generally suited to industry and commerce; and to ask similar questions regarding the prevailing spirit of the governments of other lands.

⁴ Cf. B. Mackaye, *The New Exploration* (New York, 1928).

⁵ Cf. J. D. Barnhart, "Rainfall and the Populist Party in Nebraska," *Amer. Polit. Sci. Rev.*, XIX, pp. 527-540 (1925); and E. Krehbiel, "Geographic Influences in British Elections," *Geog. Rev.*, II, pp. 419-432 (1916).

It is in the realm of public policy, however, that geographic inquiry may contribute most to the science of politics. Thorough and accurate knowledge of the physical environment of a country, together with information concerning economic and social adjustments thereto and the technological possibilities of improving such adjustments, will enable the student of public policy to make predictions regarding the results to be expected from any line of governmental policy adopted or under consideration. Mention need be made of only a few such subjects of inquiry, e.g., the five-year plan in Russia, the land policy of Mexico, the Canadian system of federal subsidies, the Italian insistence upon naval parity with the French, the development of democratic, constitutional government in Central America. The list might be extended indefinitely. In fact, geographical knowledge is a *sine qua non* for the political scientist who seeks to comprehend the foreign or domestic policies of any state.

The foregoing suggests only a few of the immensely important and intriguing questions considered in the Stanford political geography course. Happily, the initial success was sufficient to justify continuance. During 1930-31, the course has been greatly expanded and offered to a large class of undergraduate and graduate students. An advanced course on the Pacific basin was advertised for the spring quarter; and already a number of graduate students have made arrangements to include political geography in their list of major fields.

It is the writer's belief that political geography should become an established political science field, and that it should be taught in political science, and not in geography departments, by men broadly prepared in geography and economics, as well as in traditional political science. The possibilities of developing this field, and the training of persons competent to direct such studies, might well enlist the interest of scholars devoted to the advancement of political science—in particular, those who have curricular responsibilities in our colleges and universities.

HAROLD H. SPROUT.

Stanford University.

BOOK REVIEWS AND NOTICES

EDITED BY A. C. HANFORD

Harvard University

The Ethical Basis of the State. By WESTEL W. WILLOUGHBY. (New York: The Macmillan Company. 1930. Pp. viii, 460.)

"The most conspicuous attribute of the state is its coerciveness". Whatever its form or range of activity, political government is an instrumentality through which some individuals exercise over others a control sustained by physical penalties. This physical coercion, though its "utility" and "essential rightfulness" is "in general recognized," is "painful and irksome." Rational beings, therefore, inquire what "ultimate good" justifies the immediate evil of political coercion. Professor Willoughby first surveys anarchist, socialist, historical, divine-right, force, patrimonial, organismic, German transcendentalist, Italian Fascist, social-compact, and other ideas concerning the right of the coercive state to exist, the justification of particular forms of its organization or location of control, and the criteria for estimating the ethical character of particular political policies. Here, for the most part, he reviews familiar theories, but he puts them together in a new light. There may be minor criticisms of his allotment of space. He deals with Hobbes, Locke, and Rousseau in possibly needless detail, and he gives slight consideration to Plato and Aristotle, the utilitarians, and the Oxford idealists. Thomas Hill Green's general ethical doctrine is stated, but not his political applications of the doctrine.

In four chapters, Professor Willoughby sets forth his own views as to the "true basis" of the "right," "legitimate ends," and "legitimate sphere" of political coercion, and as to how far the true basis determines some right form of government. Any theory of ethics, he argues, has to begin with man in society, not with some imaginary picture of an isolated, self-sufficient individual. Outside of a man's relations with his fellows, there is no such thing as a moral right or obligation. But men in society come into conflict with one another as to their real or imagined interests; and they are not always willing to compromise, or they do not agree as to the mutual forbearances necessary for compromising the conflicts. Accordingly, compulsion is inescapable. The forms of the compulsion are manifold. The state has no monopoly of it. The community punishes directly by its censures and boycotts. In some matters, the objects for which social compulsion is

rightly exercised are best served by the physical penalties applied by the organized force of the state. There are no absolute principles that render legitimate or illegitimate the application of political coercion in reference to certain matters or purposes. Wherever the exercise of state authority tends to promote the welfare of men in society, it is ethically justified. Moreover, there is no universal rule that determines the right form of political government. That form is best which under the given conditions serves best for discovering and effectively executing the policies necessary for carrying out the legitimate ends of the state. Nor is there any absolute ethical obligation upon the individual to obey the commands of political authority. Each individual has at times the moral right or obligation to disobey his government or seek its overthrow. In this as in every other moral decision, he has to weigh all the relevant facts. The political command and the possible consequences of a defiance of it have to be considered and balanced with other facts. But the public official has the same sort of moral right and obligation when he decides how far to tolerate or restrain an act of disobedience or revolt; the good motive and reasoned judgment of a resisting citizen is significant, but it is not the only important fact to be appraised in making the decision.

Here, then, Professor Willoughby has set forth a thoroughly empirical, pragmatic, flexible conception of the competence of political authority. The book does not, however, satisfy the fervent anti-Austinian. For in the last three chapters the author analyzes recent theories that insist upon the legal subordination or parity of the commands of the state in relation to certain other forms of social pressure: Duguit's "realistic," "objective," necessary "laws of social solidarity;" Krabbe's rules "springing from men's feeling or sense of right;" and the group allegiances defended by Figgis, Laski, the syndicalists, and the guild socialists. In this connection, he briefly restates his familiar view that questions of ethical right, or of social necessity or utility, are not the same as questions of legal obligation; all these questions are essential parts of a complete study of the actual state, but there are practical advantages in distinguishing them. Professor Willoughby's insistence upon the distinction implies—some of his critics charge—a belief on his part that "a theory of the state is primarily a matter of jurisprudence." The work in hand, and at least two of his earlier volumes devoted to other than the juristic aspects of state theory, refute the charge.

The author has given a clear and independent analysis of one of the oldest and most persistent of all political questions. Although in most of the chapters he centers the discussion upon the theories of others, his own critical appraisals appear at every essential point.

FRANCIS W. COKER.

Yale University.

The American Public Mind. By PETER ODEGARD. (New York: Columbia University Press, 1930. Pp. ix, 308.)

Psychopathology and Politics. By HAROLD D. LASSWELL. (Chicago: University of Chicago Press, 1930. Pp. ix, 285.)

"Public opinion" is the current vogue in political science. But "there's a reason" for other things besides grape nuts. Disillusionment led to analysis of the tacit assumptions behind our fathers' creed of democracy. It became clear that "public opinion" was a combined *deus ex machina* and Oversoul. What was an "opinion" anyway? The childhood game of "Thimble" was revived as: "Public, public, who has the public?" It gradually was made plain that both terms were highly abstract symbols which were commonly used as nomads, mendicants, hypostatizations, and all the other degenerates of which Ogden and Richards wrote in their *Meaning of Meaning*. So at last political scientists were forced to seek light upon these political mysteries by turning to other social sciences. For example, in place of "the" public, they learned from the sociologists of "groups" as names for organized relations; and, in place of "the" opinion of "the" public, they learned from the social psychologists of "habitual attitudes" developed from contacts with the social environment. They stopped assuming that every name must have a corresponding "entity" for which it was their task to search while seated at office desks. They saw that they needed to investigate relations and resulting attitudes. Just now they are engaged in seizing every hypothesis in sight which promises to shed any light upon the factors that determine formal votes and governmental decisions—political behavior—under universal suffrage.

To this contemporary phase, Professor Odegard's book belongs. It advances no new hypothesis to startle. But it serves a very useful purpose in presenting within brief compass a sane summary of pertinent facts and conclusions about each of several major factors which go into the molding of the American "public mind." These are the fam-

ily, the church, the school, the press, political parties, pressure-propaganda groups, the motion pictures, the radio, and books. There are introductory chapters on "The Foundations of Personality" and "Social Behavior," and a final chapter on "Censorship and Democracy." The bibliography is valuable.

The reader comes away reconvinced that "public opinion" is a short-hand symbol for an exceedingly complex and variable "referent." For this reason, he does not blame Professor Odegard because he also comes away wondering about the relative weights of the several factors. The volume furnishes the most useful starting point for a study of "public opinion." This is because it combines brevity, range, a wholesome approach, an arresting style, and a host of suggestions for special studies.

Professor Odegard remarks: "It is too early to eliminate the idea of mind altogether" (p. 22). The sentence contains a false assumption which is exposed by Clarence I. Lewis in his masterful *Mind and the World-Order* (p. 5).

Professor Lasswell breaks new ground for American political science. Those members of the profession who scorn psychology even while they make unexamined assumptions about political behavior will not enjoy his book. "We want," says the author, "to discover what developmental experiences are significant for the political traits and interests of the mature." Beyond that, "we want to see whether the intensive investigation of life-histories will in any way deepen our understanding of the whole social and political order" (pp. 8-9). He cites the case of the busy man who was always ready to devote time to the aid of the blind. This is explained by a "critical experience": when he was between three and four years of age, his little sister pulled an eye out of his favorite cat (p. 8). "The psychopathologist has had the great advantage of seeing many trends of the personality which are normally subordinated to other trends when they have escaped from control and achieved Gargantuan proportions" (p. 16). A considerable account of the work of Freud and others leads to a "general formula" which "expresses the developmental facts about the fully developed political man" (p. 75). This is $p[d]r=P$, where p =private motives; d =displacement onto a public object; r =rationalization in terms of public interest; P =the political man; and $]$ =transformed into. "Impulsively killing a king who happens to insult one's sister does not make a politician out of the regicide" (p. 76). Ninety-five pages are devoted to illustration of this formula by actually observed cases

under the three headings "political agitators," "political administrators," and "political convictions" (Chaps. VIII-X). These illustrations are intended to emphasize the value of the "technique of free-fantasy" as contrasted with "logical thinking" (Chap. III, p. 32), and of the "prolonged interview" as a source of empirical material for political science (Chap. XI, Appendix B).

If the reader wishes to know the sense in which Professor Lasswell uses the term "political," he may turn to Chapter IV. Here the author invites study of the customary "typologies" as "stereotypes." Professor Munro's description of the "reformer" is given as an example. Carlyle's stereotype "hero" is explained as compensatory idealization. Professor Lasswell then summarizes the more elaborate German classifications which recognize the "political man" in economics as well as the "economic man" in politics. His emphasis upon "developmental types" and particular examples prevents his falling into a fallacy so common before statistical logic began to replace Aristotelian class logic—namely, the fallacy of seeking to "discover" the "essential characteristics" of "types."

Finally, in Chapters X-XII Professor Lasswell attempts a reorientation which leads him to "The Politics of Prevention" and "The State as a Manifold of Events." A selected bibliography in Appendix A furnishes an introduction to a literature which is probably as unfamiliar to most American political scientists as it is to the reviewer.

Professor Lasswell has undoubtedly plunged deeply into psychoanalysis, and has come up with a real contribution to political science. This is not to say that his colleagues should take his hypotheses on faith for fear they expose their ignorance. It is merely to say that they should not go to the other extreme of condemning the book because it deals with the unfamiliar. What will come of it all, the reviewer is not prepared to say. Yet his imagination is challenged by the possibilities which Professor Lasswell opens up. That is more of a "contribution" than is to be found in most products of orthodox "research."

JAMES HART.

The Johns Hopkins University.

The Public and Its Government. By FELIX FRANKFURTER. (New Haven: Yale University Press, 1930). Pp. iv, 170.)

Professor Frankfurter's little volume is an outgrowth of the Yale citizenship lectures for 1930. Each such book of general lectures is in a sense *sui generis*. The single standard by which it can fairly be

judged is that it must not repeat word-patterns of the current culture, but must above all be provocative of thought. Professor Frankfurter meets this test in an admirable manner. Any reader who brings ideas to the reading will find those ideas clarified by the author's vigorous manner of framing the issue fully as much where he disagrees as where he agrees.

Thus, Professor Frankfurter recounts in Chapter I the rather trite theme of increased governmental functions with a freshness and insight into the implications which disarm any fair critic. Only a dullard could miss the stimulating incisiveness of the author's comments. Clearly a chapter of this sort is written for precisely the purpose of suggesting the larger significance of the familiar.

The second chapter asks whether law obstructs government. The conclusion is that the "ample and flexible resources" of the written constitution "permit adequate response to changing social and economic needs" (p. 62). The trouble lies, not in the verbal symbols of the text, but at times in the men who interpret them. Several apt illustrations of "extra-constitutional forms of legal invention" are cited. "The Constitution provided for the future partly by not forecasting it, and partly by singularly shrewd devices that with time have become increasingly serviceable" (p. 73). Compacts between states and Supreme Court jurisdiction over controversies between states are examples of these "shrewd devices." Referring to judicial review of state statutes under the Fourteenth Amendment as the "most vulnerable aspect of undue centralization," the author states that since 1921, thirty per cent—in 1926-29, thirty-six per cent—of the state enactments before the Supreme Court were "offensive to the requirements of due process." "Since 1920 the Court has invalidated more such legislation than in the fifty years preceding" (p. 47).

The author is impatient with those who would change "the mechanical requirements of treaty-making" (p. 57). He looks to presidential leadership in foreign policy and "continuous education against provincialism and chauvinism" rather than to "mechanical reforms." To the reviewer, this disdain of procedure seems too cavalier. The Articles of Confederation were wrecked on the rock of the amending process. One may admit that the abolition of the two-thirds requirement for treaties will not of itself give us an enlightened foreign policy. At the same time, one may hold it unwise to stack the cards in favor of the provincials and chauvinists. A premium is thereby placed upon obstructionist propaganda.

The author also protests against "mechanical tinkering with the machinery of criminal justice" as prescribed in the Bill of Rights (p. 60). The reviewer shares his emotional loyalty to these time-honored safeguards. Yet the author's own first chapter should save him from the dogmatic assumption that eighteenth-century protections fit twentieth-century needs. One can agree that abuse of power is still a danger, and that Mr. Whalen's ideas on liberty are unhealthy (p. 58), without impliedly opposing *investigation* of how best in the industrial era to insure a balance between effective crime control and adequate protection of the innocent. Again, "in many ways the center of gravity of our crime problems lies outside the court room" (p. 60). The fact that "the 'third degree' is widely practiced and often condoned" (p. 59) suggests that this is also true of the protection of liberty.

Professor Frankfurter calls the separation of powers "a 'political maxim' and not a technical rule of law" (pp. 77-78), apparently for the reason that it is not interpreted so as to obstruct government. It is a main thesis of this chapter that the "law" of the Constitution—especially the due process clause—does not of itself obstruct government, unless its interpreters make it do so. Why, then, single out the separation of powers as a mere "political maxim"? Apparently because the interpreters have not made it do so. The author is certainly entitled to this usage—according to which the due process clause would tend to become a mere "political maxim" if consistently interpreted according to the technique of Mr. Justice Holmes. Yet the reviewer suspects that this was not in Professor Frankfurter's mind. His reference to a "technical" rule of law suggests some idea of a formula that gives an automatic answer to all problems. To the reviewer, the difference is merely one of degree. The so-called "technical" rules of law leave a wider "margin of doubt" than is commonly supposed. Most of the time, Professor Frankfurter talks as if he agreed with the reviewer.

The chapter on public services is splendidly done. Current "pessimism" concerning government by commissions is examined. The New York Telephone Case is given as a concrete illustration of the worst aspects of utility regulation in action. Estimates of "fair value" of the company for rate-making purposes as of the same date varied from something under \$400,000,000 in the opinion of a majority of the Public Service Commission to \$615,000,000 according to the highest of two appraisals made for the company. "The heart of the difficulty is the current judicial approach to utility valuation" (p. 101). The

utilities are warned that the doctrine of reproduction cost was first urged by Bryan after the panic of 1893, and that it may yet plague them if current economic conditions change. Holding companies and the power problem are handled briefly but suggestively.

Only a final word can be given to the last chapter on "Administration and Democracy." The need for science as a tool of the art of government does not mean "a new type of oligarchy, namely, government by experts" (p. 157). "The expert should be on tap, but not on top" (p. 161). "One of the shallowest disdains is the sneer against the professional politician" (p. 161). There is more; but let the reader take an evening off to read for himself. He will be well repaid.

JAMES HART.

The Johns Hopkins University.

Legislative Principles. By ROBERT LUCE. (Boston: Houghton Mifflin Company. 1930. Pp. vi, 667.)

Nine years ago, there was published the first volume of a work entitled "The Science of Legislation," which was undertaken with the purpose of "treating historically, descriptively, and critically the legislative branch of government in every aspect." This first volume, *Legislative Procedure*, has already been reviewed in these columns.¹ The second volume, *Legislative Assemblies*, appeared in 1924; while the third volume, *Legislative Principles*, which is the subject of the present review, has just issued from the press. The concluding volume, *Legislative Problems*, is still in preparation. Thus the ambitious and monumental enterprise of Mr. Luce progresses toward its goal.

Legislative Principles carries as its sub-title, "The History and Theory of Law-making by Representative Government." The author begins with an analysis of law, which he defines (p. 3) as "that which systematically impels conduct." He then examines the relation of law and custom, the development of the idea of representation, the origin and nature of constitutions, and other similar topics. Although the primary emphasis is placed upon representative assemblies and their work, such subjects as public opinion and the initiative and referendum are not omitted. Moreover, many pages are devoted to electoral questions, including proportional and occupational representation and corrupt practices legislation. Of special interest are the chapters on instruc-

¹ Vol. XVII, pp. 126-127 (Feb., 1923).

tions in Congress, independence versus responsibility of legislators, and the right of petition.

Although Mr. Luce has had many years of experience as a legislator, both in Massachusetts and in Congress, this experience has not been drawn upon unduly. The book is no mere generalization from personal recollections, but is also the product of enormous reading and of delving into the history of institutions, particularly those of England and America. The index fairly bulges with the names of hundreds of persons whose opinions and writings are cited. The author, however, does not hesitate to state his own views after citing the arguments for and against the various theses which he examines. For example, Mr. Luce believes in the direct primary and in voting by mail, but is more doubtful as to universal suffrage. Proportional and occupational representation are viewed skeptically; for "the wolf wears sheep's clothing when minorities dominate in a democracy" (p. 286). The assumption of a larger and larger share of campaign expenses by public treasuries is looked upon with favor.

In a volume so broad in its scope, there are naturally various points that are open to criticism. To the reviewer, "legislative principles" suggests much more emphasis upon the nature and content of law than Mr. Luce gives. For example, administrative law is barely mentioned. And yet, is there not here a theory of lawmaking which is vitally connected with the work of representative bodies? The legislatures and legislative activities of cities and other local authorities receive scant notice, and the same may be said of municipal home rule. It is not suggested that the book should have been made into a *Corpus Juris* or commentary thereon; but the problems which confront legislative assemblies in various fields of law provide excellent material for the exposition of "legislative principles."² On the other hand, as actually written, a large part of the book seems to belong under the caption of "legislative organization." Should locality or population—should partisan or occupational grouping—be the basis of representation? Who should be permitted to vote for legislators, and what, if anything, is to be done about non-voting? These questions might well have been disposed of in the volume, *Legislative Assemblies*.

Various minor criticisms, also, may be noted. Occasionally a writer is quoted without giving the title and page of the work referred to.

² See Ernst Freund, *Standards of American Legislation* (Chicago, 1917), Chap. VI.

(p. 407). The feudal contract can scarcely be described as a "social contract" (p. 58). One does not ordinarily think of England as the home of "root and branch reform." Nevertheless, Mr. Luce states that "When once England attacks an evil, she is likely to go the whole distance. American legislatures and the American Congress are likely to cut off the dog's tail by inches" (p. 423).

These, however, are mere details. Viewing *Legislative Principles* as a whole, one may say that Mr. Luce has performed a very useful service to students of political science. He has drawn upon a great mass of material, has organized it and given it coherence, and has illumined it by thoughtful comment and discussion. If he has not accomplished all that he proposed, it is doubtless because of the magnitude of the undertaking.

ROGER H. WELLS.

Bryn Mawr College.

The Civil Service in the Modern State. By LEONARD D. WHITE and collaborators. (Chicago: The University of Chicago Press. 1930. Pp. xxi, 563.)

The Civil Service in Canada. By R. MACGREGOR DAWSON. (London: Oxford University Press. 1929. Pp. 266.)

The first of these volumes, sponsored by the International Congress of the Administrative Sciences at its third session in Paris in 1927, is a collection of documents, with interpretative introductory statements, presenting the law, administrative codes, or official reports applying to the civil services in each of fourteen countries or dominions, namely, Great Britain, Canada, Australia and New South Wales, United States, France, Belgium, Italy, Rumania, Switzerland, Germany and Prussia, Austria, Sweden, Norway, and Japan.

For most of the countries, the papers set forth the respective recruiting system, classifications of positions, and policies on salaries, tenure, removal, discipline, pensions, rights, and obligations. For the British service, along with materials assembled by Professor White, there are also the acts or reports upon the cost of living index applicable to salary adjustments, the National Whitley Council, the Industrial Court, trade disputes, and trade unions. In addition, there are selections from the Macaulay report of 1853, from which so many of the British policies have developed. For France, special attention is di-

rected by Aubert Lefas to the legal status of civil servants and to their rights, guarantees, and obligations. Dr. Carl J. Friedrich, of Harvard University, has made available the constitutional provisions governing the German and Prussian civil services, the salary act of 1927, and documents governing works councils, federations of civil servants, and civil service academies. Australia, covered by Professor F. A. Bland, lecturer in public administration, University of Sydney, illustrates the creation of independent commissions charged with recruitment, promotion, discipline, and organization of personnel. The documents for Japan, translated by Sterling T. Takeuchi, research fellow at the University of Chicago, and for Belgium, those presented by Dr. Fernand Cattoir, also appear to be very complete.

The documentary character of the contents fills a long felt need for access to source materials. For the first time, it is possible to note readily the wording of the civil service law in other countries, if not to observe the actual practice. The materials are rich for the student of comparative personnel administration. It is a privilege to record gratitude to Professor White and his collaborators for their demonstration of international cooperative endeavor in completing this eminently useful compilation.

The first seven chapters of Dawson's work give a well documented history of the Canadian civil service, with emphasis upon the early struggles against spoils in appointments and upon the later development with its trials and tribulations in administering a merit system. The last seven chapters contain descriptions and the author's appraisal of the existing civil service system in respect to selection, gradation, promotion, salary, tenure, removal, retirement, the Civil Service Commission, and parliamentary government. In summary, there are general analyses and proposals for change or reform.

The Canadian civil service, springing from conditions in a new territory, has been influenced in its method of administration by both American (United States) and British experience. The American influence was particularly apparent during the early plastic period when Jacksonian attitudes appeared to be as acceptable in Canada as in the United States, and for more or less the same reasons. In later years, it was therefore natural that the Canadians should borrow heavily from the Americans in establishing a civil service commission and adopting vocational and occupational standards. But along with these influences, germane to the North American continent, there was also

the ever-present strain emanating from the development of a civil service under conditions peculiarly British. It thus appears that the two phases, American and British, have to date brought forth a mixed system wherein the effects of the British civil service reform movement, as applied to Canada, have been weakened perceptibly. Conditions evidently were not ripe for adaptation. The net result as interpreted by the author is a gloomy one. The Canadian civil service, he concludes, has been, and still is, dominated by patronage. The structure is built upon fear. The Civil Service Commission, handicapped by a host of superimposed detailed tasks only remotely associated with recruiting, is playing a hard and difficult game against the inroads of the politicians. Solace is found in verses carefully selected from Gilbert and Sullivan operas and placed at the head of each chapter.

What of the future? The author advocates parliamentary reform, a restriction of the powers of the Civil Service Commission to examination for entrance, greater leeway for direct appointment by department heads, more latitude in personnel management for deputy ministers, more advisory committees, and, in summary, a revamping of public attitudes toward the public service, to permit greater flexibility in career possibilities and in the independence of the higher officials.

Throughout the book there is a spirit of impatience and dissatisfaction with present conditions. The recommendations for reform, however, are not very definite; they resolve themselves into generalities which in themselves suggest the all-inclusiveness of the theme of the civil service.

MORRIS B. LAMBIE.

University of Minnesota.

City Bosses in the United States; a Study of Twenty Municipal Bosses.

By HAROLD ZINK. (Durham: Duke University Press. 1930. Pp. xi, 371.)

Professor Zink has given us a well-written book of great significance and interest—one that should be read widely, not only by teachers of political science, but by the laity as well. His twenty municipal bosses are broadly distributed geographically, as follows: (1) New York: Tweed, Kelly, Croker, Sullivan, Murphy, Olvany; (2) Brooklyn: McLaughlin; (3) Philadelphia: McManes, Durham, Vare; (4) Pittsburgh: Magee, Flinn; (5) Chicago: Lundin, Sullivan; (6) Boston: Lomasney; (7) Cincinnati: Cox; (8) St. Louis: Butler; (9) New

Orleans: Behrman; (10) Minneapolis: Ames; (11) San Francisco: Ruef. They represent both parties, although that seems a quite negligible distinction; some of them were lone fighters, others headed long-established and efficiently managed machines. Most of them dominated entire cities, for a time at least; a few, on the other hand, controlled only wards or divisions, with such resourcefulness, however, as to entitle them to consideration as municipal bosses.

The sketches of these twenty men which Professor Zink presents are based on independent study of the sources; amid the clamor of crimination and recrimination naturally attached to such figures, he has kept his head admirably. Readers will finish each biographical chapter with but one regret, namely, that the author did not have space to tell us more. Without the appearance of striving for it, he attains a dramatic effect occasionally by the mere arrangement of his materials; note, for example, the concluding paragraphs regarding "Big Tim" Sullivan and "Senator" William Flinn. The chapters devoted to the five types from New York City, to which that on "Old Man" Hugh McLaughlin of Brooklyn may well be added, occupy more than one hundred pages, and cover a period of machine ups and downs stretching from 1868 to 1929. With additional material, they could easily be made the basis of an extended history of Tammany during the last six decades. One gathers that, with the exception of Croker, these metropolitan political leaders represent a certain progression in intelligence and morals, or, if not the latter, at least in caution. On the other hand, "Genial Doctor" Ames of Minneapolis, who retained office until 1902 and survived until 1911, seems to have been more deficient in all good qualities, including common decency, than any of the other municipal bosses discussed. Indeed, he is so aberrant along a number of lines as to suggest the question of whether he deserves to be counted as a boss, being rather a picturesque demagogue who for a time enjoyed a phenomenal run of luck. What will probably strike the reader most forcibly, however, are the really admirable traits displayed on occasion by several of the twenty, notably, Lomasney, Kelly, Olvany, McLaughlin, McManes, Vare, and Flinn.

The reviewer must apologize at this point for having fallen into a moralistic strain scarcely justified by the volume before him. On the contrary, Professor Zink deserves the highest praise for his severely objective and scientific treatment of the subject. Particularly is this to be observed in the first seven chapters, which are devoted to the

analysis of his twenty bosses as to every obtainable detail of personal characteristic, domestic and social relations, and business and political activities. While necessarily lacking the charm of the biographical sections, this part of the work is admirably done. It upsets nearly all preconceptions regarding the "typical boss," especially as portrayed in the newspapers, and not a few of those held by political scientists. No future writer on the subject can afford to neglect the definite and detailed contribution made by Professor Zink. One can wish for nothing more, except perhaps that bosses might write their *Confessions* as fully as Jean Jacques Rousseau, or that each of them should have a Boswell attached to his bodyguard!

ROBERT C. BROOKS.

Swarthmore College.

Municipal Expenditures. By MAUEL L. WALKER. (Baltimore: The Johns Hopkins Press, 1930. Pp. ix, 198.)

This thesis is an effort to measure the character of city government in terms of services and costs, and to indicate a proper balance between the functions performed. These are really two separate, but somewhat related, subjects.

For ten years or so, students of government have been toying with the idea of standards for measuring the quality of municipal services. Munro's twenty-five "criteria," the standards developed in the *Survey of Cincinnati and Hamilton County*, and Beard's *Survey of Tokio* are examples. The obvious shortcomings of these and other tests at least promoted further study of the subject. More recently, a sound foundation for measurements has been laid in the records and standards developed for public health, police, education, and street cleaning, in particular. But the lack of available standards is indicated by the numerous useful criteria which Dr. Walker was compelled to exclude. The original list was arbitrarily determined, and eliminated many services that might be considered as contributing to good government. Further eliminations were made, until the final criteria covered six services in public works, three in the field of protection, and four in education and recreation. To these, arbitrary weights were assigned; and the cities of the United States were then ranked accordingly. The result leads to the conclusion that the final bases did not represent a well-rounded program of municipal services—which is not Dr. Walker's fault. Facts cannot be created where they do not exist.

As a discussion of the quantity and quality of comparable municipal statistics and an argument for the further development of measurements, this book is worth while. As a scientific effort to grade cities on the standards that were accepted, it is open to serious criticism. The effort to determine the proper distribution of the budget among the protective, commercial, educational, recreational, and cultural needs of a community—a problem which is very ably discussed in the earlier pages of the book—is highly interesting. The possibility of determining a proper distribution from the experience of superior cities is a valuable contribution, and should be further developed, with due consideration for the variables in the equation.

In spite of shortcomings, the thesis will stimulate new interest in developing a yard-stick for appraising government and in substituting facts and intelligence for prejudice and emotions in such appraisals. Such efforts should be encouraged.

LENT D. UPSON.

Detroit Bureau of Governmental Research.

The Law of Martial Rule. By CHARLES FAIRMAN. (Chicago: Callaghan and Company. 1930. Pp. viii, 263.)

This is a good book. In twelve chapters, Dr. Fairman examines with great care and meticulous scholarship the subject of martial law in the Anglo-American system of jurisprudence. These chapters deal with the historical background of martial law, its nature, the circumstances under which it is instituted and terminated, the tribunals through which it is administered, its application to particular situations, and other aspects. Each chapter is headed by a quotation from a court or other authority, so apt as to be virtually a text for (and sometimes even a summary of) the discourse that follows. Thus, as a heading for the chapter dealing with the effect of martial law on rights of liberty and property, appears this quotation from Justice Holmes: "When it comes to a decision by the head of the State upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment" (p. 162); and for the chapter of conclusions, this from Lord Hale: "We want the Army to be a popular institution, and not a menace to civil liberty" (p. 239). This serves, in the opinion of the reviewer, to suggest that Fairman has made of his book something more than a mere legalistic treatise, although it is primarily that in its form and substance.

By the term "martial rule," used in the title and to a considerable extent throughout the book, Dr. Fairman clearly means "martial law," as that term is generally used and understood. His explanation for this (pp. 28-31) is acceptable enough, although it seems to the reviewer somewhat labored. It may be significant that in his own Foreword, the term "martial law" is used and the other term not at all. At any rate, the distinctions that matter, and that are frequently confused, namely, from military law and military government, are clearly made in brief paragraphs (pp. 39-43); the constitutional and statutory bases of martial law in the United States are carefully stated (pp. 78-84); the important cases involving its application and interpretation are well reviewed (notably the Milligan case, pp. 138-145).

But Dr. Fairman's particular contribution to this subject lies probably in his appreciation of the social implications of martial law or rule, as well as of its military and legal aspects. "Martial law is not a constitutional abstraction or a riddle for whose solution the law books will suffice. In American practice it is a clumsy *modus operandi* which has been hit upon in keeping industrial conflicts within some bounds. It has sometimes degenerated into a grim class struggle. When a movement—strike, racial unrest, or what not—threatens to destroy the social or economic equilibrium of a community, it will be resisted instinctively, often frantically, by those whose position is menaced. They have come to identify their own well-being with the public good. If they control the government they will employ its power to suppress the subversive movement. . . . How military force may be exerted when necessary to preserve ordered liberty without becoming arbitrary or biased is a problem which, to be settled rightly, will call for statesmanship of a high order" (pp. 27-28). Special attention is therefore given to those dramatic social and industrial struggles in Coeur d'Alene, Idaho, in Ludlow, Colorado, in Paint Creek and Cabin Creek, West Virginia, and elsewhere, all of which were handled eventually, and with varying degrees of success, by troops and by the application of martial law (pp. 68-78, 152-159). In the "nice balancing of relative social values" called for by situations such as these, the author is frank in concluding that "the state's power has not always been wielded with perfect impartiality" (p. 28), and that "the conduct of martial rule has sometimes been reprehensible, characterized by ignorance, class consciousness, or antipathy toward striking workers" (p. 241).

That it is sometimes necessary to use extraordinary measures must be admitted; but "the executive should be sure that it is indeed a

crisis, and not merely a hallucination" (p. 240). On the other hand, the public has to be protected against insurrections, riots, and the like; officers and soldiers may have to act summarily if they are to control the situation at all, and they "cannot be required to weigh their measures with that scrupulous nicety which is to be expected in a court of law." In other words, the appropriate character of the martial rule to be applied must be determined in each situation by the necessities of that situation; and "to hit the precise line which necessity dictates may indeed be difficult" (p. 241). That task is not, in the opinion of the reviewer, essentially more difficult than many other tasks in constitutional law (such as reconciling police power and due process). Precise rules are no doubt impossible, and probably undesirable, since no one can foretell the kind of emergency to which martial law may need to apply. It should be quite possible, however, to take over the doctrine of reasonableness, even into this field of martial law, since, as Fairman points out, military officers have on the whole been "notably temperate," while the much-vaunted orderly procedure of civil magistrates may often have been a "delusion." The attempt to "hit the precise line" involved in the application of martial law is nothing but an attempt to solve "the eternal conflict between the authority of the state and the liberty of the individual" (p. 241), and the difficulty is that of an adjustment between two political philosophies.

An excellent bibliographical note is appended, as well as a complete table of cases and an adequate index, all of which increase the usefulness of the volume. Altogether, it is a good book on an important subject.

CLARENCE A. BERDAHL.

University of Illinois.

A Selection of Cases and Authorities on Constitutional Law. By OLIVER P. FIELD. (Chicago: Callaghan and Company. 1930. Pp. xliv, 1072.)

Other things being equal, the most recent collection of cases is the best. Professor Field has gone a long way, at least, toward making other things equal. His selection of recent cases is excellent—certainly it commends itself to the reviewer. Praiseworthy, too, is the idea of supplementing the cases with special studies on certain points of constitutional law. It is an idea which will be more extensively employed as recognition dawns that while the case system of instruction has indeed certain unique values of its own, it is not necessarily the

best way of covering the entire field of law. Not every legal subject, nor every part of any legal subject, is worth the time required to explore it properly by the case method.

The main criticism to be leveled at Professor Field's collection is the indifference which it often manifests to the historical approach. Aristotle's admonition, "if you would understand anything, observe its beginning and its development," applies to the study of the law as perhaps to few other subjects; and *a fortiori*, in the case of the American student, to the study of constitutional law. To be indifferent to the historical approach, moreover, is to forego one of the main arguments for the case method as it was originally conceived.

Among the cases conspicuous by their absence from this collection are *Chisholm v. Ga.*, *McCulloch v. Md.* (the second part of Marshall's opinion), *Hylton v. U. S.*, *Gibbons v. Ogden*, *State Freight Tax Case*, *Swift and Co. v. U. S.* (declared by Chief Justice Taft, in *Stafford v. Wallace*, to have been "a landmark" in the interpretation of the commerce clause), *Champion v. Ames*, the *Charles River Bridge Case* (referred to in a footnote), *Stone v. Miss.*, the *Slaughter House Case*, the *Civil Rights Cases* (largely), *Mugler v. Kan.*, *Holden v. Hardy*, *Munn v. Ill.*, and *Smyth v. Ames*. According to Professor Field's publishers, "this book was prepared primarily for students in schools of political science." This purpose, to the reviewer, makes the omission of such formative cases as those just mentioned all the more regrettable.

"It is suggested without deciding"—to employ a merry conceit of the Court—that Professor Field has been unduly impressed by Justice Holmes' often quoted assertion that "general principles do not decide concrete cases." The fact of the matter is that the vast majority of cases are decided by well understood general principles before they get into court, and so they never get there; and even Justice Holmes is quotable for the admission that the Court is bound by "the plain meaning of plain words" (206 U. S. 240).

In short, Professor Field's collection caters rather too much to that mode of instruction which proceeds by keeping the student in a hub-bub of factitious excitement over the law's uncertainty, whereas it is often only the student's own ignorance which is being exploited.

EDWARD S. CORWIN.

Princeton University.

Labor and the Sherman Act. By EDWARD BERMAN. (New York: Harper and Brothers. 1930. Pp. xviii, 332.)

This book is clothed with an air of authority. Professor John R. Commons writes an introduction to it of about a page; Professor Felix Frankfurter contributes a foreword of three pages; and the author acknowledges, in his preface, indebtedness to no less than a dozen persons. I take it that none of these persons assumes any responsibility for what Professor Berman says or neglects to say.

Professor Berman is convinced that "many of our outstanding economic problems . . . can be adequately studied only if one subjects the economic situations produced by the courts and the legislatures to a fundamental social-economic analysis" (Preface). In the book under review, the author undertakes such an analysis. The first fifty-three pages (approximately one-fifth of the book) are devoted to "a thoroughgoing inquiry to determine whether or not Congress intended that the Sherman Act should be applied to labor unions" (p. 5). Many readers will wonder why Professor Berman gives so much space to this question. It is now merely of academic interest, or perhaps of historical interest at most. Whatever the intentions of Congress, several federal courts, including the Supreme Court, have held the act applicable to labor; so that's that! Professor Berman feels, however, that no study yet undertaken has done the subject justice. Hence he turns to the fascinating task of searching the *Congressional Record* for the truth. One of three conclusions might conceivably be reached regarding the question of what Congress intended concerning labor and the Sherman Act: first, that the act was directed against business combinations exclusively; second, that the act was definitely intended to cover combinations of labor as well as capital; third, that the framers intended to strike at the evils of combinations and trusts broadly, leaving the act's scope to be determined by the courts. Professor Berman's "careful and thoroughgoing" investigation yields the first of these conclusions. He is convinced that "the act was intended to be an act against trusts, and not against trade unions" (p. 53). He takes the second position into account, but rejects it as unsound. The significance of the third point of view he does not appreciate; at any rate, it is allowed to pass without discussion.

Speculation as to intentions or motives, whether those of an individual or of a legislative body, is always attended by risk. Few who studied the Sherman Act, prior to Professor Berman, possessed the

confidence to say just what Congress intended with respect to labor. About the only conclusion that can be stated with certainty is this: The purpose of the judiciary committee, which rewrote the original bill, was "to use language broad enough to remedy all evils growing out of combinations in restraint of trade . . . But to go further and say that Congress definitely intended that the activities of labor unions should be included within its scope (or that it should be confined exclusively to business combinations) would perhaps be venturesome." This is the conclusion stated on page 129 of the reviewer's *Organized Labor and Law*. It is based upon a study of the *Record*, and especially upon a statement of Senator Edmunds which is quoted (p. 128) in that work. Curiously enough, Professor Berman's examination of the *Record* does not reveal these exceedingly pertinent words of Senator Edmunds: "We all felt . . . and the committee, I think unanimously, . . . thought that if we were really in earnest in wishing to strike at these evils broadly, in the first instance, as a new line of legislation, we would frame a bill that should be clearly within our constitutional power, that we should make its definition out of terms that were well known to the law already, and would leave it to the courts in the first instance to say how far they could carry it or its definition as applicable to each particular case as it might arise." One could scarcely desire a better illustration of legislative intent "to pass the buck" to the courts.

Professor Berman's omission of this quotation is unfortunate. Had he taken it into account, it might have called for modification of his own conclusions. And in view of the great weight which Professor Berman himself attaches to the words of Senator Edmunds, his failure to reveal the most direct and relevant statement which the senator made regarding the intention of the judiciary committee, which couched the act in the language in which it now appears, is indeed puzzling. "Of all the members of the Fifty-first Congress," he tells us, "which enacted the Sherman Law, the one who was most responsible for its wording was Senator George F. Edmunds. The senator's opinion as to the intent of Congress is therefore important" (p. 6). Largely on the basis of Senator Edmund's statement, the reviewer reaches the rather obvious conclusion that the changes made by the committee in the phraseology of the bill "would seem to indicate an intention on the part of the judiciary committee to deal with the evils growing out of combinations more broadly than was originally contemplated" (*Organized Labor and Law*, p. 128). Professor Berman is

apparently unaware of the fact that vagueness itself has not infrequently been intentional. What Justice Hughes said of statutes generally is particularly applicable to the Sherman Act: "It is not to be forgotten that important legislation sometimes shows the effect of compromises which have been induced by exigencies in its progress, and phrases with a convenient vagueness are referred to the courts for appropriate delimitation, each group interested in the measure claiming that the language adopted embodies its views."³

Ordinarily, I should not feel called upon to state my own opinions at such length. The reason for doing so here is that my position is at odds with that of the author, and also my point of view is misinterpreted by him. Indeed, in his presentation of my conclusions, the author takes liberties that are unusual among scholars. According to Professor Berman, my view is that "the intention [of Congress] to include labor appears very clear" (p. 43); that "if the final bill had been limited to a prohibition of restraints on competition it would have clearly indicated the intention of the Senate to confine the operations of the measure to business combinations" (p. 42). On page 43, Professor Berman supplies a quotation which purports to state my point of view at greater length. This quotation, however, is taken, not from the chapter in which I consider legislative intent, but from a chapter dealing with the *common law construction* of the language of the act. It is significant, too, that despite its relevancy, Professor Berman does not embody in this quotation the sentence immediately preceding it. The omission is both significant and unfortunate, since by including it he would have revealed my lack of certainty regarding the question of legislative intent.

After having interpreted my point of view much to his own liking, Professor Berman proceeds to attack it vigorously—almost viciously. And the result does appear rather disastrous. But then the reader meets words that evince a more judicial temperament: "If he [meaning the reviewer] limited himself exclusively to a demonstration that the Anti-Trust Act contained phraseology which the courts, paying no attention to the purpose of Congress, might interpret to embrace labor unions, there would be little quarrel with him" (p. 43). This, curiously enough, is the nearest approach which the author makes to a statement of the reviewer's position.

³ 1 *Mass. Law Quar.* (No. 2), 12, at p. 15. See also Ilbert, *Mechanics of Law-Making*, pp. 20-23.

On page 52, the reader is told that "there is no evidence that the Anti-Trust Act was intended to apply the common law of labor activities to transactions in interstate commerce." Most writers, as well as the courts, have found *some* evidence pointing to a different conclusion; but few have felt absolutely sure as to what Congress intended. Senator Sherman considered the act largely as an application of "old and well recognized principles of the common law to the complicated jurisdiction of our state and federal government."⁴ Senator Hoar uses language that leads to somewhat the same conclusion.⁵ The truth is that there is not enough evidence to warrant the contention that Congress either intended to include or to exclude labor from the operation of the act. The judiciary committee clearly indicated its purpose to use general phraseology in framing the statute, and to leave it to the courts to say how far they would carry its provisions. Nor is the reviewer aware, as Professor Berman insists, that the courts decided that "Congress intended that the Anti-Trust Law should reach labor unions" (p. 53). Rather, the courts held that the language used in the statute was broad enough to embrace combinations of labor as well as capital.

Pages 57-227 are devoted to a discussion of cases. Herein is embodied much valuable material. Of the three appendices, C is especially worth while in that it provides a "brief description of every case arising under the Sherman Act in which labor was a defendant, concerning which any information could be secured" (p. 57 n). But readers who expect to find in this book a page by page social-economic analysis will more than likely be disappointed. Such an analysis is confined, for the most part, to Chapters XII and XIII, which are interesting and suggestive.

On the whole, Professor Berman has done service to students of this subject in rendering more accessible much valuable and heretofore scattered material.

ALPHEUS T. MASON.

Princeton University.

Lincoln and His Cabinet. By CLARENCE E. MACARTNEY. (New York: Charles Scribner's Sons. 1931. Pp. xviii, 366.)

A study of the president's cabinet in the United States is a difficult undertaking because of the informality of its organization and pro-

⁴ *Congressional Record*, 51st Cong., 1st Sess., Vol. XXI, p. 5456.

⁵ *Autobiography*, Vol. II, pp. 264 ff.

cedure, the absence of official records of its deliberations and conclusions, and the varying extent to which our chief executives have sought the advice and assistance of their departmental secretaries in the formulation of governmental policies. Such a study is made possible only by a thorough scrutiny of diaries, collections of letters and papers, and autobiographies of presidents, cabinet members, and their intimate friends and associates, of congressional debates and contemporary newspapers, and of biographical works based upon these original sources. This painstaking task with respect to the administration of our Civil War president has been performed admirably by the writer of *Lincoln and His Cabinet*.

The book is essentially a biographical study, and was prepared with the primary intent of piercing the veil of myth and legend in order to portray the real Lincoln—"a man of greatness and also of limitations"—by giving a view of him in relation to, and in association with, the men whom he chose as his cabinet associates. However, the student of political institutions who seeks to discover the multiple factors which enter into the choice of a president's advisers, the effect of personal ambitions and animosities upon affairs of state, the extent to which a chief executive is influenced in his decisions by the conflicting points of view of his subordinates, and the circumstances which frequently culminate in changes in cabinet personnel, will find much of interest and permanent value in its pages.

In a brief foreword, the writer summarizes the salient facts pertaining to Lincoln's choice of his cabinet members and the nature of his cabinet meetings. An introductory chapter describes in a lucid manner the apologetic, vacillating, and irresolute policy of the Buchanan administration which permitted the ship of state to drift toward civil war, and the tendency of the president-elect and his chief adviser, Mr. Seward, to minimize the possibility of war, to suggest further compromises, and to appeal to the "mystic chords of memory" to preserve the Union. Then follow historical records of all members of the cabinet, for which the writer has drawn extensively and critically from the wealth of material available, to reveal their early life, education, occupation, party affiliations, public service, political ambitions, the circumstances which led to their selection as members of the president's council, the major accomplishments of their departments, their attitude on important government policies, personal estimates of Lincoln, their internal strife, and the influences which led to the termination of their official connections with the administration. Except

for Stanton, the author includes only those members of the cabinet who were selected by Lincoln at the beginning of his administration, presumably because of the lesser influence of his subsequent appointees. Even Usher, who served as secretary of the interior from 1863 to 1865, and to whom we are indebted for one of the first intimate accounts of the Lincoln cabinet, is omitted.

The value of this book is not confined to the important contribution which it makes to our knowledge of the personalities and policies of Lincoln's administration. The writer also, by his pioneering, has suggested the possibility of similar studies with respect to other administrations, though the available material may not always be as extensive or as fruitful.

LLOYD M. SHORT.

University of Missouri.

The South as a Conscious Minority, 1789-1861; a Study in Political Thought. By JESSE T. CARPENTER. (New York: The New York University Press. 1930. Pp. x, 315.)

Although the author of this book is mistaken in thinking that "no one has yet conceived of the Old South as a sectional minority consciously striving for seventy-odd years to evolve an adequate philosophy of protection to its interests in the American Union," he has been the first to trace the development of this philosophy and to analyze its successive stages. He concludes that there were "four major sources of minority protection which succeeded each other in general chronological order:" (1) the principle of local self-government, relied upon from 1789 to about 1820; (2) the principle of the "concurrent voice," from the twenties to 1850; (3) constitutional guarantees, from 1850 to the election of Lincoln; and (4) the last resort, independence.

The first of these defenses was rendered untenable by the encroachment of the federal government upon the reserved powers of the states through the doctrine of implied powers. The second, which was the idea of giving to the minority a check upon the majority, by either state or sectional veto—a sort of extension of the check and balance system—came to an end in 1850 with the loss of southern equality in the Senate, the last department of government in which the South had potential equality. Driven from this cover, the last refuge of the South within the Union was respect for constitutional guarantees, reinforced by

the cohesion of national parties. After the break-up of parties and the triumph of a northern sectional party which had repudiated these guarantees for "higher law" doctrines—for so the South interpreted the declarations of Republican leaders—the only recourse was independence. The final chapter considers the application of all these theories in the Confederate constitution.

Professor Carpenter has drawn his evidence from a wide range of printed materials: contemporary books, pamphlets, legislative records, journals of conventions, congressional debates, and historical collections. He has used but few newspapers, and those sparingly, and no manuscript collections. In most cases, he has let his witnesses speak for themselves. In general, he seems sympathetic toward the southern position. He shows that the South bore an unequal share of the burdens of government and received a much smaller share of federal expenditures; he thinks there was a sound historical basis, originally, for the theory of state sovereignty; and he is convinced that the South was actually, and almost continuously, on the defensive throughout the ante-bellum period. He exhibits less sympathy for certain southern positions, notably the fight in Virginia against the doctrine of implied powers.

In only a few instances does the reviewer find cause for disagreement. One concerns Calhoun's purposes in nullification. It will be recalled that Calhoun expected that, when a state had interposed its veto against, or nullified, an act of Congress of doubtful constitutionality, the act could become constitutional only after being so declared by three-fourths of the states—in short, by amendment of the Constitution. Professor Carpenter says (pp. 138-139): "In theory, Calhoun thought it equally logical to conclude that whatever power required the support of three-fourths of the states for its exercise in the first instance should likewise require the maintenance of that three-fourths majority for its continued exercise;" but he cites no statement from Calhoun to support this interpretation. On the contrary, Calhoun explicitly said: "The *right* of a state is not to *resume* delegated powers, but to *prevent* the reserved from being assumed by the government" (Calhoun, *Works*, VI, p. 177). Again, our author asserts (p. 140) that Calhoun was seeking to initiate amendments by a single state, an unsound procedure which was not provided for by the Constitution. But obviously he was not seeking an amendment; he was endeavoring to prevent amendments from being read into the Constitution by im-

plication. It was the veto power of the state, not the amending power, which he proposed to use. The majority party in Congress or among the states must be the one to seek an amendment (Calhoun, *Works*, VI, 50-51).

The economic and social conditions which so largely determined southern attitudes are touched very lightly. One error in a work marked by so much care is surprising. It is the inclusion of a portion of a speech (pp. 180-181) attributed to A. H. Stephens. This "speech" is a forgery. It was perpetrated for circulation in the presidential campaign of 1864, and was reprinted in several post-war histories; but it was exposed by Henry Cleveland in his *Alexander H. Stephens in Public and Private* (pp. 163-168), and was repudiated by Stephens himself in his *War Between the States* (I, p. 23), and in his *Reviewers Reviewed* (pp. 180-187).

Despite these slips, this is an excellent and important book. The part played by the South in national politics before 1861 cannot be understood without an appreciation of the fact that the section was in the minority on a number of issues which it considered vital, and that it became increasingly desperate as its constitutional defenses crumbled. All students of ante-bellum American history and politics are indebted to the author for the first systematic survey of the development of this peculiar minority political philosophy. The footnotes and bibliography are very helpful, and the index is satisfactory.

CHARLES W. RAMSDELL.

University of Texas.

The American Leviathan: the Republic in the Machine Age. By CHARLES A. BEARD AND WILLIAM BEARD. (New York: Macmillan Company. 1930. Pp. 824.)

On a recent occasion, Dr. Beard likened Democracy, not to the traditional ship of state, but to an old mud-scow, half water-logged, uncertain in its direction as it courses its way over the high seas of political action and controversy. The passengers, Dr. Beard stated, frequently get their feet wet and the scow only too often becomes marooned on hidden shoals; but at least it keeps afloat and the passengers enjoy the ride.

In the preface of this searching analysis of the American political system, however, the authors are wont to think of the Republic not so much as a scow but as a *Leviathan*—"a half-mythical giant uniting in

one person a whole multitude." Although this treatise is designed to provide the student and general reader alike with a survey of the nature and character of the national government of the United States, in reality we have an assessment of the impact of popular government and technology. The results are most amazing. The attempt in this country to maintain genuine popular control over such diverse activities as the "lame-duck" Congress, the bureau of plant industry, senatorial courtesy, insecticide control, the "rule of reason" in Supreme Court decisions, the biophysical laboratory, and patronage, shows quite conclusively that democratic government in a machine age is about as mythical and tenuous as the state of nature, due process of law, and states' rights. Furthermore, if those desirable objectives set forth in the preamble of the Constitution—justice, domestic tranquillity, and the general welfare—are to be more effectively attained by the establishment of a radio commission or a federal farm board than by a strict observance of constitutional niceties—well, what is the Constitution among friends?

Following an engaging discussion of the fundamental elements of the federal system, in which the authors make short shrift of the formalities and penetrate to the heart of such topics as the theory and practice of judicial review, the president as "a bearer of social heritage," and the real function of conference committees, are chapters which describe the administrative departments "in action." These chapters, it may be fairly stated, constitute the distinctive contribution of the book. Heretofore, treatises on the national administration have been content with a mere recital of the organization and functions of the administrative agencies. In the discussion before us, the attempt is made, and with highly gratifying results, to catch something of the social import of the tremendous advances made by the national government in recent decades in dealing with technological processes. The bureau of mines is described not merely as another administrative agency engaged in the study of mining methods and statistics. Rather, in the bureau's efforts to prevent mining hazards, we have an example of "humanity and rationality" marching "together against ancient foes of mankind." Flood relief is something more than administrative procedure; it may be likened to "the good Samaritan" rendering "aid after high waters have subsided, granting aid and financial assistance to devastated districts." The engineering services of the national government represent technical achievement, it is true; but they are "the spirit of law as distinguished from chance" as well.

Inevitably, in a work of such wide scope errors of commission and of omission appear. The Myers decision was handed down in 1926, and not in 1929 (p. 70). It is hardly correct to state (p. 322) that the Classification Act, as amended in 1930, provided that the classification board should be composed of a representative of the Civil Service Commission, the chief of the efficiency bureau, and the director of the budget, since the composition of the board had already been fixed by the act of 1923. The really significant change effected by the act of 1930 was provision for selection by the board of a director charged with the duty of carrying out the requirements of the Classification Act of 1923. The discussion of national administrative reorganization is incomplete (p. 309), because of the failure to include the provisions of the reorganization bill of 1924-25. To such readers as are familiar with the Beard tradition for political realism, it seems somewhat strange to have the vote described as a "right" (p. 78) rather than a privilege.

As a text-book for class-room use, the *Leviathan* cannot be too strongly commended. Its typographical appearance is pleasing. The index is adequate. Of special interest to the teacher of American government is the listing at the end of the book (pp. 793-798) of a number of motion picture films which may be used in giving students a more intimate conception of governmental operations.

GEDDES W. RUTHERFORD.

Iowa State College.

Daniel Webster. By CLAUDE M. FUESS. (Boston: Little Brown and Company. Two volumes. 1930. Fp. x, 398, 465.)

Professor Fuess has added another to the steadily filling shelf of masterly American histories and biographies. We will make room for this one right next to Beveridge's *Marshall*, to which it bears many resemblances, and of which it is in a very real sense a sequel. A few more such books, and we shall be able to walk across the stream of American history on biographical stepping-stones. For this book would have been entitled, in another generation, "The Life and Times of Daniel Webster."

It was not to be expected that Professor Fuess could unearth any great amount of new Websteriana; the nature of the case forbids. But if he did not succeed in his ambition "to read everything in existence

by or about Webster," he has probably come closer to it than any one else either has or will—close enough to produce what is certain to be, for an unpredictable length of time, the definitive "Life." One reason why the book is so satisfactory is that the author has not only researched (if this is not a good verb, it should be) deeply, but meditated long and to good purpose on his material.

It is scarcely necessary to say that the work is not a eulogy. Webster's shortcomings, and they were many, are frankly revealed. If a senator today should indulge in the financial looseness which Webster was at little pains to conceal, he could not keep his seat. This weakness in money matters was Webster's besetting and most unpardonable sin. The author has carefully investigated the many other discreditable stories about Webster, and finds them without foundation, notably the ones alleging sexual immorality. With especial convincingness are the tales of Webster's "indolence" refuted.

The great scenes in Webster's life, too well known to need recapitulation here, are painted with a master hand. Prolixity has been avoided. At that, this reviewer's favorite chapter is the altogether delightful one entitled "Webster at Portsmouth."

The author has evidently devoted the most painstaking attention to the great controversy over the "Seventh of March" speech. On this, his findings are unqualifiedly pro-Webster. Webster was not, on that day, a coward, an apostate, or a traitor, but courageous, and more than all, *right*. Here the author gives full credit to Professor Herbert D. Foster, whose remarkable piece of original research work on this matter has not yet received its due meed of appreciation.

Through all, we never lose sight of Webster's personality. No American has been better able "to rise to the heights of the great occasion;" and surely no American has ever approached Webster in the power of his mere personal presence. It is significant that in the very last chapter, the author has to describe this power by the adjective "inexplicable."

If it were necessary to characterize the whole work by two words, those which might well be chosen are "adequacy" and "balance." To quote Professor Phelps of Yale, the book is as entertaining as it is instructive; it makes one proud of American scholarship.

JAMES P. RICHARDSON.

Dartmouth College.

The International Protection of Industrial Property. By STEPHEN P. LADAS. (Cambridge: Harvard University Press. 1930. Pp. xiii, 972.)

With this volume, the author presents to the English-speaking world a pioneer work of prime importance. American writers have neglected this important field, perhaps because practically all previous works on the subject, written in about ten foreign languages, come from Europeans thinking in terms of the civil law. A European background, an intimate knowledge of the civil law and of Anglo-American law, and a remarkable linguistic ability have enabled the author to write this first comprehensive and systematic survey of its kind in the English language.

The work is divided into three parts, which are devoted, respectively, to a consideration of the bipartite treaties prior to 1883; to the international régime since 1883, and its growth; and lastly, to future developments. The author explains the nature of the various species of industrial property (patents, trademarks, etc.) and discusses the international regulations in their two-fold operation of protecting these rights by their own force and by encouraging uniformity of municipal legislation. This felicitous treatment makes the volume stimulating reading for those interested in comparative jurisprudence, who have heretofore shied away from this field as being forbiddingly involved. For lawyers who specialize in patent and trademark law, the work is of inestimable value. The author offers many criticisms, and submits arresting novel views; and this reviewer questions the soundness of but few of them. A wealth of statistical tables, a comprehensive bibliography, and an excellent index contribute greatly to the usefulness of the volume; though the practice of citing treaty provisions in French may handicap some readers. All in all, the author deserves high praise for his almost affectionate treatment of his subject; without such love for his theme, he could not have produced a work which fills—as this one does—a long-felt need, and which will lead to a clearer understanding of a very important branch of international law.

KARL POHL.

New York City.

International Understanding. By JOHN EUGENE HARLEY. (Stanford University: Stanford University Press. 1931. Pp. xiv, 604.)

Professor Harley has provided a most comprehensive catalogue of agencies for the promotion of international understanding, among

which treatment is accorded to international houses, such as those in New York City and Berkeley, California; official international organizations, such as the Pan-American Union, the League of Nations, the World Court; academic institutes with yearly programs, such as the Institut Universitaire de Hautes Études Internationales at Geneva and the Hochschule für Politik at Berlin; summer schools and institutes, embracing the Institute of Politics, the Institute of International Relations, the Geneva School of International Studies, and the Institute of Pacific Relations; special institutes or associations of a permanent nature, including the Foreign Policy Association, the Council on Foreign Relations, the American Society of International Law, the Social Science Research Council, the Institute of International Law, the Inter-Parliamentary Union, the Royal Institute of International Affairs, and the Canadian Institute of International Affairs; and major endowments and foundations, chief of which are the Carnegie Endowment for International Peace, the World Peace Foundation, the Institute of International Education, and the John Simon Guggenheim Memorial Foundation. The organization, activities, and contributions of each of these, and many others, are presented in convenient compass.

An extensive series of appendices lists scholarships and fellowships open to foreign students desiring to study in the United States, scholarships and fellowships open to American students desiring to study abroad, colleges in the United States offering courses in international law and related subjects, tabulations of the number of foreign students in the United States in 1921-29 (with distribution among the colleges and universities), and the statute or constitution of the International Educational Cinematographic Institute at Rome. An index affords a convenient guide, supplementary to the table of contents and to the list of agencies.

All persons and institutions interested in organized information concerning agencies engaged in promoting international understanding should be in possession of this volume.

W. LEON GODSHALL.

Union College.

Constitutional History of the First British Empire. By A. BERRIEDALE KEITH. (Oxford: Clarendon Press, 1930. Pp. xi, 443.)

The literature on the political and constitutional history of the thirteen colonies is vast in volume, and sound work has been done

in the field of British Imperial relations in the seventeenth and eighteenth centuries; but Professor Keith is the first scholar to attempt a text on the constitutional history of the Old Empire as a whole. The learned author's main interest, it is well known, is in the government of the self-governing British Dominions, and the present volume is intended to serve as an introduction to the study of the Imperial constitution since the American Revolution. It should prove serviceable also to those who are interested in the colonial origin of American political institutions.

In scope, it embraces the British West Indies, Nova Scotia, Newfoundland, Canada after the British conquest, and Senegambia, as well as the thirteen colonies. An account of the government of East and West Florida as British provinces, a subject of which little is generally known, would have been welcome, though the Floridas, it is true, remained under British rule for less than twenty years. The work is divided into three parts—"The Evolution of the Imperial Constitution," dealing with the development of colonial political institutions and Imperial relations in the seventeenth century; "The Imperial Constitution at its Zenith," from the Revolution of 1688 to the Seven Years' War; and "The Decline of the Imperial Constitution," from the Seven Years' War to the American Revolution. In the first and third parts, the author follows a chronological order. In the second part, the heart of the book, the treatment is by topics, which include the organization and powers of the executive, the legislature, and the judiciary in the colonies, and the instrumentalities and subjects of Imperial control. Nowhere else, in a single volume, can one find so much reliable information on these matters.

Professor Keith examines with some care the arguments advanced by colonial radicals on the eve of the American Revolution to show that Parliament had no lawful authority over the colonies. His conclusion, diametrically opposed to the view taken by Professor Mcllwain in his *American Revolution*, is that there was no warrant in law for the colonial contention.

Columbia University.

R. L. SCHUYLER.

Crime and the Criminal Law in the United States. By HARRY BEST.
(New York: The Macmillan Co. 1930. Pp. xvii, 615.)

Criminal Procedure in North Carolina. By GEORGE R. SHERRILL.
(Chapel Hill: University of North Carolina Press. 1930. Pp. x, 173.)

Canadian Penal Institutions. By C. W. TOPPING. (Chicago: University of Chicago Press. 1930. Pp. xiv, 125.)

Professor Best set himself an ambitious task. His book is at once a summary of criminal law and procedure written down for the college student, an essay on criminal statistics, a digest (rather well done) of prevailing sociological data on the causes and treatment of crime, and a consideration of "measures for improvement." Considering the tremendous scope of the book, the author has done a creditable piece of work. There is little documentation, and very little attempt to lure the student to speculate on the many imponderables of the subject. The style is pedestrian, little relieved by the vast human interest possibilities of the subject. It is not so didactic, however, as most of the current literature on crime.

Professor Sherrill has made a study of criminal procedure in North Carolina as it is reflected in the decisions of the Supreme Court of that state. It belongs with a number of studies of the same sort, including those by Grimm in Missouri, Vernier in California, and Harno in Illinois. This task in any state is formidable, but Professor Sherrill has done his work carefully and convincingly. The book provides a contribution to the understanding of the actual operation of the rules governing criminal procedure.

Professor Topping contributes a brief description of Canadian prisons, their administration, and problems. From the vast materials at hand, he has made a satisfactory selection. In view of the fact that we may learn much from Canadian experience in this field, such a handbook is of distinct value.

Columbia University.

RAYMOND MOLEY.

BRIEFER NOTICES*

AMERICAN GOVERNMENT AND CONSTITUTIONAL LAW

The Rise of American Civilization, by Charles A. and Mary R. Beard (Macmillan, pp. 824; 865), which originally appeared in two volumes, has been reprinted in a one-volume edition. This unique and penetrating survey of the development of American life from the agricultural to the industrial era, and finally into the machine age, has been so widely read and discussed during the last three years that it needs little

* In the preparation of the Briefer Notices, the editor in charge of book reviews wishes to acknowledge the assistance of Dr. E. P. Herring.

further comment. Through its more than fifteen hundred pages of easy flowing narrative, the student of government may follow without a break or a decline in interest the important political, social, and economic movements which provide the background so necessary for a clear understanding of our governmental institutions and political ideas. In the final chapter, devoted to "The Machine Age," the authors point out that in spite of the emphasis on new inventions, standardizing processes, and mass production, there has been progress in the fields of science, letters, music, art, and education; although these developments have naturally been shaped to further the new order of things. Looking to the future, and answering the critics who think that they see "all American society sucked into the vortex of the machine process endlessly whirling to the tune of numbers," the authors wrote at the end of the third decade of the twentieth century: "If the generality of opinion, as distinguished from that of poignant specialists, was taken into account, there was no doubt about the nature of the future in America. The most common note of assurance was belief in unlimited progress—the continuous fulfillment of the historic idea which had slowly risen through the eighteenth and nineteenth centuries to a position of commanding authority. Concretely it meant an invulnerable faith in democracy, in the ability of the undistinguished masses, as contrasted with heroes and classes, to meet by reasonably competent methods the issues raised in the flow of time—a faith in the efficacy of that new and mysterious instrument of the modern mind, 'the invention of invention' moving from one technological triumph to another, overcoming the exhaustion of crude natural resources and energies, effecting an ever wider distribution of the blessings of civilization—health, security, material goods, knowledge, leisure, and æsthetic appreciation, and through the cumulative forces of intellectual and artistic reactions, conjuring from the vasty deeps of the nameless and unknown creative imagination of the noblest order, subduing physical things to the empire of the spirit."

Two pleasant volumes dealing with American institutions and their culture development are: *Puritan's Progress*, by Arthur Train (Scribner's Sons, pp. x, 475), and *American Society*, by Charles F. Thwing (The Macmillan Company, pp. ix, 271). Mr. Train's book, in part history and in part sociology, is a delightful rambling discourse on our civilization, past and present, but with particular reference to the

influence of New England. Mr. Thwing's volume is a collection of essays published in the *Hibbert Journal* between 1911 and 1930. The author discusses with "a high hope and a belief broad," topics such as the family, education, and public opinion. In marked contrast with these gentle books stand: *The Third Degree; Detailed Account of Police Brutality*, by Emanuel H. Lavine (Vanguard Press, pp. viii, 248), and *Dynamite; the Story of Class Violence*, by Louis Adamic (The Viking Press, pp. x, 452). The former volume is written by a New York newspaper reporter, and purports to be based upon knowledge gleaned at first hand. Mr. Adamic's study traces historically the episodes of rioting and murder that have occurred in the class struggle in the United States. Criminal terrorism today has replaced the sporadic unorganized protest of an earlier day. The underdog is fighting back through sabotage and racketeering. Despite the subject-matter of these two works, the authors have not descended to lurid sensationalism in their graphic exposes. They are concerned, but not excited. Taken together, the four studies, in their examination of our social and political institutions, cast strangely conflicting lights upon the contemporary scene, sweeping from the heights of idealism to the very depths of depravity.—E.P.H.

In *The Early History of the Republican Party* (The Gorham Press, pp. 313), Professor Andrew Wallace Crandall brings together in a well-balanced continuity the circumstances and the forces that led to the formation of the Republican party. The author weighs his evidence and preserves a judicious tone throughout, although he does not fail to bring into the picture the human elements, whether of personality or ambition or devotion, that affected the course of events. The material garnered from newspapers and campaign documents enlivens the work and clarifies the discussion. Beginning with the crisis precipitated by the Kansas-Nebraska Act in 1854, the rapid trend of the anti-slavery movement is traced in its connection with the well-nigh spontaneous rise of the Republican party. The account concludes with the story of the party's first presidential campaign in 1856. Here is the genesis of a party set off against the background of the period. Mr. Crandall's book is not only detailed, informative, and useful, but it is likewise, in the opinion of this reviewer at least, the most interesting and discriminating single volume explaining the formation of the G.O.P.—E.P.H.

Wilson, the Unknown, by Wells Wells (a pseudonym), and published by Scribner's Sons (pp. viii, 358), is an attempt to describe and explain Woodrow Wilson in terms of what the unknown author's imagination reads into the former president's life. The fantastic thesis is advanced that Wilson was a super-strategist plotting far in advance all the steps of his career. He was planning to become the dictator of American democracy, and thus bring his party into power for an indefinite period. Coolly, Wilson gazed into the future and laid out a course that would bring the United States to a position of world dominance. His physical breakdown spoiled the great design. Truly a bizarre book!

STATE AND LOCAL GOVERNMENT

A Study of the Legislature of the State of Maryland, with Special Reference to the Sessions of 1927 and 1929 (pp. vi, 110), by Harry J. Green, is one of the recent monographs in the Johns Hopkins University Studies in Historical and Political Science. The author discusses the organization of the legislature, procedure, introduction of bills and committee action, and extra-legislative forces. Although the workings of the bicameral principle are not studied in detail, the author is doubtful regarding the efficacy of the division into two chambers. Political representation is similar in both houses; responsibility is weakened by the passage of bills in one house with the understanding that they are to be killed in the other; amendments are made to bills in the second house, rather than the house of origin, to avoid fights; and the opinion is expressed that "more serious consideration would be given the vast majority of the bills if there were no other house to review the subject." As regards composition, Dr. Green found that farmers, lawyers, and merchants constituted over half of the members, with almost every other vocation represented in the remaining half. "The present legislators, on the whole, are neither intelligent, nor educated, nor cultured. As a group, they are on a par with a crowd of men which might be collected on the streets. . . . The lawyers are the outstanding figures. . . . From eighty to ninety per cent of the speeches delivered emanate from the lips of the lawyers. . . . Most of the members have had little or no education." Dr. Green finds in Maryland the same last-minute rush which exists in most state legislative bodies, and expresses the view that "undoubtedly the quality of the work of the legislature is diminished more by the traditional habit of delaying action until the last moment than by any

other single factor." The split session plan or constitutional limitations on certain phases of procedure are suggested as remedies, although the author fails to note that West Virginia has recently given up the split session plan. In the chapter on "Extra-Legislative Forces," Dr. Green gives an interesting account of the influence exercised on legislation by the governor, the lobby, and the press. Very clearly, the executive in Maryland has been a strong force so far as legislation is concerned, and his influence has been strengthened by the budget system and recent administrative reforms, as well as by strong party majorities. Next to the governor in importance comes the press; and in fact the author is of the opinion that the press at times rivals even the governor and the political bosses. "The members of the press are pampered and favored throughout the legislative meeting. . . . A press warning that a certain subject will receive unfavorable news reports acts as a decided deterrent." The author also points out that, as in most other states, a large part of the legislation of Maryland is in the nature of special and local legislation and legislation having to do with administrative details. In spite of its shortcomings, Dr. Green is of the opinion that "while some defective legislation is passed, and while the omission to act in other instances produces deleterious results, the General Assembly is in the main successful—in that it makes provision for most of the problems, minor and vital, which arise in the affairs of the state; it enacts sufficient current legislation to meet the needs of the state for the two-year intervals; and as session follows session, it contributes by degrees to the formation of an effective economic structure, adequate to the changing public requirements." A bulletin dealing with a somewhat similar subject, but from a more technical viewpoint, is *Legislative Procedure in Kansas* (University of Kansas, pp. ix, 84), prepared by Frederic H. Guild and Clyde F. Snyder, and issued as Number 1 of the Government Research Series of the Bureau of Governmental Research and Service. This booklet is in the form of a manual prepared for the use of both laymen and legislators, outlining in detail how a bill becomes a law in the state of Kansas. There are numerous illustrations, examples, and explanatory footnotes which make the complicated process of law-making more understandable to the student.

The University of Virginia Institute for Research in the Social Sciences has issued an excellent report on *Criminal Justice in Virginia*

(pp. ix, 195), by Hugh N. Fuller, in association with A. M. Dobie, F. D. G. Ribble, and Raymond McKey. The study is the result of an investigation of about 15,000 criminal cases in some thirty courts located in both rural and urban areas during the years 1917, 1922, 1927, and 1928. The material is presented under the headings of the amount and kind of business; how the courts disposed of their business; sentences; and official opinions. Although the data are largely statistical, and the aim of the investigators has been to present the facts as they found them, leaving the reader to draw his own conclusions as to satisfactory and unsatisfactory conditions, certain conclusions, or "indications," of the staff are submitted. Among the most important of these are: (1) "The number of felony charges filed in the courts of record has increased very largely since 1917, far more rapidly than the increase in population justifies. A part of this increase is due to the larger number of liquor felonies now prosecuted in the courts, but these cases do not account for all of the increase. . . . The prohibition law may be a cause, but is not the *sole* cause, for the general dissatisfaction with the American courts." (2) "A relatively small percentage of criminal cases is now determined by the ancient trial by jury . . . the usual case is now decided, not by the court, but by the commonwealth's attorney. . . . If we are to have administrative justice, with the prosecuting officer supplanting the judge as the most important official in the judicial system," certain improvements are necessary, such as changing the method of the prosecuting officer's appointment, giving him a salary commensurate with his large powers, and "possibly relieving him from the cares of private practice." (3) "Extreme dissatisfaction is quite generally expressed regarding the justice of the peace system." (4) Delay does not seem to be a serious problem in the Virginia courts. (5) "In one very important respect the courts of Virginia have maintained their dignity. They have kept themselves free from the evils of sensational news-reporting of criminal cases." (6) The bar itself should become more interested in the causes of crime, especially in the sociological and psychological background, and in modern methods of administering criminal justice. "The bar cannot complain of the lack of respect of the public so long as it is content to carry over the necessary conservatism of the law of contracts and real property into other fields where ultra-conservatism becomes absurdity."

Motivation and Political Technique in the California Constitutional Convention, 1878-79, by Carl Brent Swisher (Pomona College, pp. 132), differs from most previous studies of state constitutional conventions in that it emphasizes the part which competing interest groups played in the election of delegates and in the convention, the motives which influenced each group, and the political methods which they employed to accomplish their ends or to defeat their opponents. The author carefully analyzes the composition of the convention, and points out that the delegates were divided into three main classes according to occupation: (1) "large capitalists, their representatives at law, and a few great landowners"; (2) "the small farmers, usually with heavily mortgaged property, with grievances against land and water monopolists and great corporations," and also "against the prevailing mode of taxation;" and (3) "the city laborers, who differed from the farmers chiefly in owning little or no property, and for this reason having less of a stake in the existing order." Dr. Swisher's study is concerned chiefly with the "alignments and antagonisms within and among these groups," and with the interplay of conservatism and radicalism. Special attention is given to the struggle in the convention over the articles having to do with the control of railroads and other corporations, the regulation of taxation, and the Chinese problem. The booklet makes interesting reading, and also is suggestive of other studies of a similar nature.

State and Local Taxation of Property (pp. xii, 245), issued by the National Industrial Conference Board, is a most useful analysis of the present status of property taxation in the American states, methods of assessment and collection, and the machinery for central administration and supervision. Almost one hundred and fifty pages are devoted to comparative tables setting forth the diverse practices of the states as to the law and administration of property taxes. Among the most important conclusions reached as a result of studying the prevailing tendencies in the various states are: (1) "the town system of assessment is encountering vigorous opposition in almost every state . . . and it may be expected that . . . more states will adopt the county unit plan;" (2) "if property is to be valued properly, it must be viewed personally by the assessor," . . . and "the determination of values requires the utilization of modern valuation systems based on

correlations of such value determinants as income, location, improvements, transportation facilities, soil, forests, minerals," and on land value maps, etc.; (3) "the whole tax system should be placed under the supervision and control of a central tax commission;" (4) "in order to enforce proper administration of the tax laws, the tax commission should also have the power to remove any incompetent assessors;" and (5) "the success of a tax law depends primarily on its administration," and "success of the administrative system depends fundamentally on two factors, personnel and support."

The City Manager Year Book, 1931, containing the papers and addresses of the seventeenth annual convention of the International City Managers' Association held at San Francisco in September, 1930 (Chicago, pp. vi, 306), is one of the best annual handbooks that has been issued by the Association. Among the general papers are those by W. B. Munro on "When Is a City Well Governed;" "Advantages or Disadvantages of the Council-Manager Plan," by Edwin A. Cottrell; "The Need for a Strong Mayor," by Stephen B. Story, city manager of Rochester, New York; "Some Experiences with a City Manager," by F. B. Stringham, former mayor of Berkeley; "The Haphazard Growth of American Government," by Chester H. Rowell; "How Universities Aid in Improving Government," by President Sproul, of the University of California; and "Municipal Leagues as Aids to Public Officials," by William J. Locke, secretary of the League of California Municipalities, one of the strongest organizations of this type. The special topics dealt with fall under the headings of municipal finance, reporting to the public, police administration, personnel administration, and facts as aids to management. It is difficult, and perhaps unfair, to distinguish between the various special papers; but among those worthy of special mention are "The Selection and Distribution of Police Personnel," by August Vollmer; "Police Record Keeping and Reporting," by Bruce Smith; "The Coördination of Police with Activities of other Law Enforcing Agencies," by C. I. Howell, chief of police of Coronado, California; "The Organization for Handling Personnel Work," by Fred Telford; and "Recent Observations on the Services of the National Association of Local Government Officers of Great Britain," by Professor Frank M. Stewart, of the University of Texas. There is the usual directory of council-manager cities and city managers.

Airports; their Location, Administration, and Legal Basis (Harvard University Press, pp. xvi, 190), by Henry V. Hubbard, Miller McClintock, and Frank B. Williams, is an excellent illustration of the effect of new inventions on the problems of municipal administration, and is of special significance as indicating a desire to plan ahead and work out a solution for these problems before they become acute, thus avoiding the complications that have arisen in regard to the location of railway terminals, traffic regulation, etc. This study is based largely upon first-hand investigation of eighty-five typical airports in all parts of the United States, and is divided into three parts: "The Airport in the City Plan," by Mr. Hubbard, assisted by H. V. Menhinick; "Airport Administration," by Mr. McClintock, assisted by Paul Mahoney; and "The Law of Airports," by Mr. Williams. In their respective reports, the authors have set forth invaluable information, which should serve as a useful guide to students on such topics as the physical characteristics of airport sites; functional relation of the airport to the city and the region; the relation of the airport to the national transportation system; ownership of airports; administration; management; fiscal policy; federal and state jurisdiction over aviation; ownership of air space and legal rights therein; regulation of location and legal liability. There are numerous charts, illustrations, maps, and statistical tables. Another recent study in the field of municipal administration is a bulletin on *Municipal Organization for Street Traffic Control*, by Miller McClintock and Sidney J. Williams (Municipal Administration Service, pp. 28). The topics covered include types of traffic-control engineering; organization of traffic engineering agencies; police functions; traffic forces; traffic courts and violations bureaus.

In *Master of Manhattan* (Longmans, Green and Co., pp. vii, 279), Lothrop Stoddard presents an exceedingly readable biography of Richard Croker. Writing for a general audience, the author outlines the sequence of important political triumphs and defeats in the boss's career, bringing in enough of the contemporaneous social and historical circumstances to place Croker in the general context of his time. The treatment is pointed, concise, and objective; the result is a clear picture rather than a profound study. No new material is presented; no unique interpretation is offered. Still, the volume impresses the reader as less discursive, less partisan, and better written

than the older biography by Alfred Henry Lewis. Mr. Stoddard stands much indebted, however, to this earlier writer.—E.P.H.

In a pamphlet entitled *Standards for Modern Public Utility Franchises* (Municipal Administration Service, pp. 36), John Bauer offers practical advice to municipal authorities faced with the task of granting or renewing public service franchises. Mr. Bauer believes that the local franchise must continue to play an important rôle in regulation, both because of the need of making special provision for peculiar local conditions, and because of "the failure of the state to establish effective regulation." Among the many specific recommendations, emphasis is put on the importance of including in the franchise the "controlling basis of valuation according to which the rates shall be fixed," but leaving to the state commission the task of fixing the rates for the service. The cost of service contract is also suggested and discussed.—C.S.H.

The Detroit Bureau of Governmental Research has published a report entitled *The Government of the City of Atlantic City, New Jersey* (pp. 140), prepared by Capt D. Upson, C. E. Rightor, J. M. Leonard, and H. Place of the Bureau, William H. Allen of the Institute of Public Service, Cornelius Cahalane, police consultant, and K. J. McCarren, city assessor of Detroit. The survey is of special significance in that Atlantic City is one of the municipalities still operating under the commission plan. The authors of the report are critical of the commission plan as it has worked in Atlantic City, and recommend that the city-manager or the strong-mayor type of government be adopted. Each department or function is carefully tested by the application of generally accepted standards of efficient administration, and recommendations for improvement are made.

In *State Supervision of Local Finance in Minnesota* (University of Minnesota Library, pp. 34), Mr. Edwin O. Stene comes off with the opinion that while state administrative supervision is at present somewhat excessively decentralized, it would probably be "impractical or difficult" to bring about any considerable change in the situation. There is discussion of state control in relation to local taxation, municipal budgeting, municipal accounting, and municipal indebtedness, and at the end a chapter devoted to summaries and conclusions.

Publication number 31 of the League of Minnesota municipalities is entitled *State Income Taxation* (University of Minnesota Library, pp. 34). The report was prepared by Professor Roy G. Blakey and presents a useful survey of state taxation of incomes, on the basis of the experience of the twenty or more states now employing the device. The success of the tax is found to be largely proportioned to the degree of centralized administration provided for.

Centralized Purchasing: a Sentry at the Tax Exit Gate, by Russell Forbes (National Association of Purchasing Agents, pp. 40), is a concise and clear summary of the essential features and advantages of an effective plan of governmental purchasing by the leading authority in that field. The value of the booklet is increased by numerous concrete examples from various cities.

FOREIGN AND COMPARATIVE GOVERNMENT

Studies and Notes Supplementary to Stubbs' Constitutional History, Volume III, by Charles Petit-Dutaillis and Georges Lefebvre, and translated by M. L. E. Robertson and R. F. Treharne (Manchester University Press, pp. ix, 304-517), is a notable contribution to the history of the medieval English constitution. It summarizes in masterly fashion the modifications and additions made by historical research in the generation and more since the appearance of the third volume of Stubbs' history. Nothing could demonstrate more conclusively the massive and permanent character of Stubbs' great work; yet nothing which has appeared since his time has shown so clearly as this brilliant and comprehensive summary how far the pendulum has swung away from his central conception of the nature of English constitutional development. We have here in small compass an account and a judicious estimate of all the newer views, and of such important additions as the monumental "Chapters" of the late Professor Tout on the administrative system which Stubbs so nearly ignored after the twelfth century, and of the work of Messrs. Jenkinson, Richardson, Sayles, Edwards, and others, in which the beginnings have been made—all more or less under the influence of Maitland's epoch-making *Memoranda de Parlamento*—of the monographic work necessary before a history of the House of Commons can be written. The authors are clearly in sympathy with the newer

view that Edward I was more zealous for his prerogative than for any "constitutional" principle; and Simon de Montfort, far from being "the founder of the House of Commons," as Pauli called him, was, in the opinion of M. Petit Dutaillis, thinking of nothing beyond the substitution "for the rôle of the king and his favorites of an aristocratic government;" yet M. Lefebvre prefers Stubbs' view of the fundamental importance of the county court to some of the later views in which it holds a less important place. Here, as elsewhere, the discrimination of the authors is admirable. This volume completes the English translation of the essays appended to the French edition of Stubbs' *History*. It is indispensable to all students of English constitutional development in the Middle Ages.—C.H.Mc.

A Constitutional History of England to 1216 (Macmillan, pp. 430), by W. A. Morris, who will be remembered for his scholarly studies on the *Medieval English Sheriff* and the *Frankpledge*, is a well-organized general account of the development of political institutions during the period indicated. The book embodies the many and interesting results of the very active "newer scholarship" which has supplemented, and often modified, the conclusions of the great pathfinder, Bishop Stubbs. Although Morris is generally scholarly and sound when he offers or accepts the most-considered interpretations of such luminaries as Maitland, Round, Vinogradoff, Adams, and MeKechnie, he breaks no new ground himself. No new light, for example, can be found on such vexed and obscure subjects as the county and manorial courts, the nature of important parts of the judicial and financial administration, or the relation of royal ordinances to the ordinary customary law. The general historical and bibliographical summaries introduced at the beginning and end of the chapters, respectively, should prove useful. As for the style, it at least possesses the merit of clarity, even though it has no other claim to distinction. The student looking for an up-to-date text or reference book, rather than the scholar looking for new discoveries or interpretations, will be primarily interested in this book.—M.A.S.

For the historical background so necessary to an understanding of modern European government, politics, and international relations, no better source may be found than the revised second volume of James Harvey Robinson and Charles A. Beard, *The Development*

of *Modern Europe; the Merging of European into World History* (Ginn and Company, pp. xi, 661, xxvi). After an introductory chapter on "The Heritage of the Twentieth Century," summarizing the "economic and political movements and ideas which determined the broad lines of development in Europe as the nineteenth century wore into the twentieth," the authors develop their narrative in five main divisions, as follows: (1) "the general trend of affairs within the several European countries before the war," (2) "the further merging of European history into world history through imperialism down to the world war," (3) "the antecedents of the war and the war itself," (4) "the aftermath of the war, the reconstruction of the various nations, and the attempts to avoid future conflicts," (5) "the astonishing revolution in man's conception of himself and his world revealed by scientific research . . . and the reflection in literature of novel conditions, knowledge, and awakened criticism of human conduct and institutions." Emphasis is placed on the effects of experimental science and mass production on European civilization.

Die staats- und völkerrechtliche Stellung Britisch-Indiens, by Wolfgang Kraus (Universitätsverlag von Robert Noske, Leipzig, pp. viii, 226), is an attempt to bring some juristic order into the complex problem of India's position both in constitutional and in international law. It is the type of juristic analysis which the Englishman himself rarely undertakes, and is well worthy of study at a time when the question of India's future status is again in the forefront of public discussion. The book deals particularly with the areas under direct British rule, but considerable attention is paid to the thorny problem of the native states, primarily to demonstrate the unity of India for purposes of international law. A peculiarly useful aspect of Dr. Kraus's study is his analysis of the difference and occasional conflict between the legal constitutional position of India and its conventional position in the British Empire. Considering the nature of the subject-matter, it is inevitable, as Dr. Kraus himself is wholly ready to concede, that no juristically perfect "construction" of the status of India is possible, at least during the present period of transition. But this study is a very real contribution to the literature of the subject.—R.E.

On the Threshold of Fascism, by Peter M. Riccio (Casa Italiana, Columbia University, pp. 261), is an attractively written, if un-

critical, examination of some of the immediate intellectual precursors of the Fascist movement. Guiseppe Prezzolini, and the review *Voce* which he founded and edited with the aid of Papini and others of his friends, occupy the center of the stage. To Prezzolini, according to the author, must go a large share of the credit for preparing the nation for Fascism by rousing it from its lethargy, preaching the gospel of action, and smashing all the outmoded idols of the intellectuals. It is difficult to secure any clear picture of the precise aims of Prezzolini and his associates beyond a general iconoclasm and nationalistic pragmatism, but the comparison to Mencken that the author makes at one point gives something of a clue. To Mussolini was left the constructive work of the future; the *Voce* was aware of the rottenness of the present, and had no hesitancy in exposing it. Some fifty pages of the book are occupied by an alphabetical list of the contributors to the *Voce*, with a brief biographical note for each and a list of the articles contributed.—R.E.

The annual *Political Handbook of the World* issued by the Council on Foreign Relations (Yale University Press, pp. 200), and edited by Walter H. Mallory, is an up-to-date revision of the *Handbook* of 1930. To bring out this edition at an early date in the year makes the volume more serviceable, but is more difficult. This has been particularly true for the year 1930, as changes in governments were frequent in the latter half of that year, especially in South America. The late changes in other states are also indicated, as in Turkish parties. The *Handbook* gives party programs and leaders and the political affiliations of the various newspapers. The policy of annual revision and issue seems to be fully warranted.

On the Rim of the Wilderness, by Maurice Samuel (Horace Liveright, pp. 247), proclaims as its purpose an impartial presentation of the conflict in Palestine stripped down to its bare and indisputable essentials. The heart of the problem, as he sees it, is the clash between the lethargy and stagnation of the East and the new creative spirit of the West. It is, of course, the Zionist who is reclaiming Palestine from the wilderness and the Arab leaders who represent the powers of darkness. The new Jewish nationalism, borne for the first time by the working class, is, Mr. Samuel contends, the only hope of salvation for the downtrodden fellah, who may look in vain to his Arab

leaders for any assistance or understanding. This thesis is entertainingly sustained, but the reader may legitimately doubt whether white is as wholly white or black as wholly black as Mr. Samuel would have them.

A life of William Pitt published by the Bobbs-Merrill Co. and written by E. Keble Chatterton bears the title *England's Greatest Statesman* (pp. x, 384). Accordingly, the reader is not surprised to find Pitt delineated in a very sympathetic fashion; he appears as a romantic hero-statesman who gladly laid his talents and his life upon the altar of his country. The author has consulted original sources and has handled his materials skillfully. The book not only holds one's attention but likewise fires the imagination with its picture of a great and unselfish leader.

In his biography, *Mr. Lloyd George* (E. P. Dutton and Co., pp. xv, 313), Sir Charles Mallet presents a critical study of a fascinating, though not wholly admirable, personality. After tracing the career of his subject with seeming understanding and fairness, the author makes his appraisal without equivocation. He says: "I claim with other Liberals the right to say frankly why we can no longer tolerate Mr. Lloyd George as a leader or trust him as a public man." The case is presented frankly, firmly, yet without apparent personal animus.—E.P.H.

INTERNATIONAL LAW AND RELATIONS

Opportunity for Americans to see their foreign policy as others see it is afforded by nine lectures on the Harris Foundation delivered in June, 1930, which have been edited by Professor Quincy Wright and published by the University of Chicago Press under the title of *Interpretations of American Foreign Policy* (pp. ix, 261). An American, a Canadian, an Englishman, a Peruvian, and a Japanese contribute to this interesting symposium. Professor G. H. Blakeslee emphasizes the regional character of American foreign policy, and suggests that the United States should implement the Kellogg Pact by some agreement which would make possible a greater measure of international cooperation whenever there should be danger of war; and that it should give up its normal right to trade with a state which had started an aggressive war. Dean Percy Elwood Corbett expounds Canada's concern in the foreign policy of her southern neighbor, and expresses a wish that "more of that special understanding and consideration

which mark the individual association of Canadian with American could find its way into our intercourse as states." George Young contributes a British view of the relations of the United States with Europe and with the United Kingdom, arguing that parity in sea power will force Great Britain and the United States to convert their relationship from one of competition on the seas to one of coöperation for world-peace and police. V. A. Beaunde concludes his critical analysis of the recognition policy of the United States, and of the results of the Havana and Washington conferences, by pointing out that arbitration and conciliation are treated more completely and technically in the General Act approved in the Ninth Assembly of the League of Nations than in the Washington treaties. Yusuke Tsurumi surveys American foreign policy from a Japanese viewpoint, in three stimulating lectures. Japan, he asserts, "cannot continue to provide adequate means of support for the middle and labor classes unless the policies of the world change in the direction of more moderation and mutual help and away from unrestrained nationalistic competition." He suggests the coöperation of America, Great Britain, and Japan to promote unity and stable government in China, and to discover how Japan may be guaranteed free access to the raw materials she needs.—J.P.B.

Henry White; Thirty Years of American Diplomacy, by Allan Nevins (Harpers, pp. xii, 518), gives more attention to the thirty years of American diplomacy than to Henry White. At the beginning, the author says of White: "No one ever took him for a great man." Other estimates are given from page to page. "He was not witty, he was not a brilliant talker or writer, he was not a man of deep cultivation, and he had no such resplendent political future before him as Balfour and Curzon. He possessed but comparatively modest wealth. But, as always throughout life, his absolute unselfishness and loyalty, his cheeriness and humor, drew everyone to him." "He held a position of peculiar usefulness in Anglo-American affairs merely as a friend of conspicuous men on both sides of the water, a go-between in all sorts of exchanges, a source of information and an interpreter for both countries." The author also says that White was a man of "tastes for outdoor sports and indoor society"; "never a man who greatly loved reading or study for itself"; "his favorite pastime at this period [London residence] and throughout life was conversation." White's

career in England brought him in close contact with the best conversationalists there. His appointment as ambassador to Italy in 1904 was pleasing to many, and his service at the Algeiras Conference in 1906 gave him opportunity to display his ability as a conciliator. Among Roosevelt's appointments in 1907, White was transferred as ambassador to France. "White went to Paris, hoping that it would prove a larger sphere, but in his two years there he found opportunities as an onlooker and little more." In 1909, after Mr. Taft became president, Mr. White was informed that his resignation would be accepted, and, regardless of the motives leading to this action, he requested that his successor be appointed as soon as possible. Special missions enabled the country to profit by Mr. White's experience from time to time. The most important of these was as a member of the commission to negotiate peace at the close of the World War, "a selection which surprised the country no less than himself." The chapters relating to the negotiation of the peace show that "the best work of a trained diplomatist is usually that of which the public is unaware." White's opinion in regard to President Wilson's relation to the Peace Conference was that of the well-trained diplomatist: "It would be well for Wilson to open the conference in Paris; it would also be well if he found that he did not have time to stay long." As the author says of White, "He was a man of but one calling" and President Roosevelt, who had long and close contact with White at a period when American diplomatic service was in transition, regarded him as "the most useful man in the entire diplomatic service."—G.G.W.

The fifty-four states members of the League of Nations, speaking through the tenth session of the Assembly in 1929, instructed the Secretariat to prepare and publish a record of the institution's activities in its first decade. *Ten Years of World Coöperation*, with a foreword by Sir Eric Drummond (World Peace Foundation, pp. xi, 247), fulfills that instruction. In his foreword, the Secretary-General points out that the writers have not attempted to estimate the value of the action related, but ventures that the mere existence of the League "is one of those great facts which inevitably stand out as landmarks in the history of the world," and that in ten years it "has definitely, and greatly, grown in strength—that is to say, in its hold on public opinion throughout the world and on the governments and administrations through which public opinion acts." The fourteen chapters which fol-

low amply demonstrate those conservative judgments. Each of them deals with a specific phase of activity, with only narrative reference to the Assembly, Council, and Secretariat, which are identified as League organs in a few pages of the introduction. In the same place the system of committees and their development of conference work is barely mentioned; the reader can easily miss the importance of their functions; and if he does, that is the only distortion from photographic accuracy he could conceivably get from this picture of the League. So vast an institution as the League of Nations requires both ingestion and digestion by the public mind before its due influence can be realized. At the outset, there were almost as many opinions of what it was as there were people with opinions. The object of every summary of it ought to be to divulge its essential character, to contribute to agreement upon the fundamental conception it represents. *Ten Years of World Coöperation* brings out emphatically those characteristics which have been identified in prior summaries of the League's work; and the high authority of the Secretariat writers can be regarded as fixing a standard interpretation of the institution they so ably serve. "There is hardly a feature of international life, still less of inter-governmental coöperation, that does not fall within the province of the League." Whatever the problem is, it is briefly but accurately related in these teeming pages. Nearly half the book is required to record the peaceful settlement of disputes, the organization of peace, disarmament and international justice, and the codification of international law. Nine succeeding chapters tell with an attractive intimacy of narrative the multifarious accomplishments in international coöperation in economics, finance, transit, communications, health, social and humanitarian questions, intellectual work, the management of mandates, the protection of minorities, and the administration of certain territories. A chapter on the League's financial administration will go far to satisfy the constant curiosity on that detail. A final chapter on "The League and Public Opinion" contains the best analysis of the influence and reflex of opinion on international relations which has come to the reviewer's notice. It is no exaggeration to state that none can claim to comprehend the League of Nations who has not read this book.—D.P.M.

To present in five or six hundred pages a view of international affairs has been difficult in previous years. In the *Survey of International*

Affairs, 1929, by Arnold J. Toynbee (Oxford University Press, pp. xii, 545), the attempt is again made. This is more adequate than in some of the earlier years, because of the issues in 1928 and 1929 of a separate volume of documents. The principal topics discussed relate to disarmament and security, European economic affairs, tropical Africa, China and the Pacific, and relations between France and Italy and the Papacy. Some of these have in the course of events become matters of history, as the Palmas Island dispute; while others are still centers of international attention, as changes in Abyssinia. An appendix showing the chronology and three maps showing the location of events are helpful; while the good forty-page double column index is essential. The second volume of *Documents on International Affairs, 1929* (pp. xiii, 349), published by the Oxford University Press for the Royal Institute of International Affairs, is edited, as was the previous volume, by J. W. Wheeler-Bennett. The editor brings together much material not easily available elsewhere which is significant for international affairs, even if it may not be strictly official, such as speeches, notes, etc. Though the volume contains nearly one hundred pages more than the 1928 issue, some topics, due to the course of events, have much less space, such as the evacuation of the Rhineland and reparations; while the U.S.S.R. receives more attention, and the State of the Vatican City appears as a new factor. Extraterritoriality and the attitude of states toward the Permanent Court of International Justice are important topics. In this 1929 volume, as a new feature, is a very valuable appendix giving a chronology of treaties, both between two or more states and general international conventions.—G.G.W.

Under the title of *Maritime Trade in War*, Lord Eustace Percy's lectures on the freedom of the seas delivered at the Williamstown Institute of Politics have been published by the Yale University Press (pp. 114). Englishmen are beginning to realize, he asserts, that "whatever may be the strength of the British navy in any future war, the determining economic factor in such a war may well be, not the control exercised by that navy over neutral commerce, but the control exercised by the United States and the British Empire, respectively, over their own exports." Control by belligerents of their own exports, indeed, "may be more damaging to neutral trade than the most lawless action by contending navies." The author proposes the creation of

some Anglo-American organization to study and propose a new draft of the law of naval warfare, which should recognize the principle that a state which is willing to submit its claims to judicial determination should have wider rights as a belligerent than the state which refuses such submission.—J.P.B.

Charles Scribner's Sons has now published a one-volume edition of Winston S. Churchill's *The World Crisis* (pp. xii, 866). The whole account, which originally covered, in separate volumes, the events of 1911-14 and 1916-18, respectively, has now been recast so as to present a continuous narrative in a more compendious form. Some corrections and some abridgments have been made, though generally the facts and the conclusions, the author states, remain substantially unchanged.

Although entitled *Diplomatic Relations between the United States and Great Britain*, the sketchy monograph by Dr. Henry G. Hodges (Boston, Richard G. Badger, pp. 148) confines itself to the years 1893 to 1897. Not one of the topics dealt with is treated exhaustively, or with much penetration or literary skill; and the whole is marred by many inaccuracies and wretched proof-reading.

Information on the Reparation Settlement (George Allen and Unwin Ltd., pp. 253), Messrs. John H. Wheeler-Bennett and Hugh Latimer present a succinct analysis of the Young Plan and the Hague agreements of 1929 and 1930, together with enough of the political background for an understanding of them. Texts of the relevant documents are given in full.

POLITICAL THEORY AND MISCELLANEOUS

Adam Ferguson and the Beginnings of Modern Sociology (Columbia University Press, pp. 268), by Professor W. C. Lehmann, is an excellent and scholarly contribution to the recent literature that calls attention to the importance of studies made in the seventeenth, and especially in the eighteenth, century respecting the several embryonic social sciences, and of sociology itself. Adam Ferguson (1723-1816) was one of the brilliant group of Scotch writers who made Scottish universities famous as the seats of philosophic and social studies. His writings had great influence in England and France because of his erudition and his keen insight into the principles underlying social

phenomena. His influence might have been continuous, had not the Napoleonic wars diverted men's minds into other fields of study. Ferguson, in the field of sociology, rejected the teachings of the natural rights school and stressed the importance of an organic society, powerfully influencing its members through social environment, and having its bases in historical backgrounds and in the psychic nature of man. He taught also a social, progressive movement, implicit in human nature, reaching out toward larger ends, aided in its advancement by conflict or struggle with rival groups and hostile environments. In Part II, Dr. Lehmann discusses Ferguson's teachings in their relation to earlier writers and to the works of his contemporaries, and concludes with a chapter respecting his influence on, or the resemblance of his teaching to, the later writers in the nineteenth century. One can but commend in high terms the author's thorough discussion and discriminating comment on Ferguson's sociological teachings and his place among the founders of sociology. A few slight typographical errors mar this otherwise attractive volume issued by the Columbia University Press.—J.Q.D.

The third volume of Vernon Louis Parrington's *Main Currents in American Thought* was only partially complete at the time of his death in 1929. That portion of the volume, however, together with several scattered essays and some lecture notes, has been published under the title of *The Beginnings of Critical Realism in America* (Harcourt, Brace and Company). Relatively little of the material which the author had completed deals with political thought, but some of the sections that are in finished form do contain remarkably interesting analyses of certain trends and of a few individual thinkers. The discussions of Woolsey, Curtis, and Godkin are particularly good examples of Parrington's method and of his point of view. While the present volume, fragmentary as it is, was thoroughly worth publishing, it is deeply to be regretted that the author did not live to complete the task which he was so brilliantly carrying on.—B.F.W.

Massachusetts was the last of the states to effect a complete separation between the secular and the clerical powers. The second century of the struggle which developed out of the existence of a state church in that commonwealth is treated in considerable detail in Jacob C. Meyer's *Church and State in Massachusetts, 1740-1833* (Western Re-

serve University Press, pp. ix, 276). After an introductory chapter dealing with some aspects of the controversies over this subject before 1740, Professor Meyer takes up the attitude of the various denominations before the Revolution, the effect of the Revolution and of political reorganization, the relation between Federalism and Congregationalism from 1789 to 1815, the Unitarian schism, and the final stages of controversy in the constitutional convention of 1820-21 and in the successful fight for the constitutional amendment which secured disestablishment in 1833.—B.F.W.

In *The Quest for Social Justice* (The Macmillan Company, pp. xvii, 390), Professor Harold Underwood Faulkner brings together in an interesting discussion the social, political, economic, and cultural elements that constituted the general movement for reform in the early part of this century. Awakening discontent became vehemently vocal, while panaceas abundantly offered were hopefully and enthusiastically grasped. Big business and organized labor, religion and reform, science and health, the rights of women and of children—such are the topics described and analyzed in their relation to the growing humanitarianism and increasing spirit of community responsibility of the first decade of the twentieth century. "The old doctrines of extreme individualism and a purely competitive industrial system, relics of a rural civilization, were breaking down before the new complexities of American life." The author has achieved an excellent synthesis, gathering his materials from multifarious sources and presenting his problem with admirable clarity and directness.

The Farm Board, written by E. A. Stokdyk and Charles H. West and published by the Macmillan Company (pp. xi, 197), is a brief and popular presentation of "some of the problems facing agriculture, the scope of the Agricultural Marketing Act, and the possibilities and limitations of the Federal Farm Board in dealing with agricultural problems." A timely production, this study is a useful introduction rather than an exhaustive treatment of the topic.

One brief chapter of Mary Shaw Kuypers' *Studies in the Eighteenth Century Background of Hume's Empiricism* (University of Minnesota Press, pp. 140) is devoted to the Scotch philosopher's empiricism in politics, with particular reference to the principle of utility. Persons

interested in the English utilitarian movement will find the author's comments suggestive.

In his volume entitled *That Man Dawes*, Paul R. Leach presents a friendly and informal recital of the accomplishments and activities of the present ambassador to the Court of St. James. The book is published by Reilly and Lee (pp. 349).

Banking Concentration in the United States, by Joseph S. Lawrence (Bankers Publishing Co., pp. 318) is an objective analytical study of banking tendencies in the United States, with due attention to problems of federal control. The case between large scale banking and unit banking is left a stalemate.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CHARLES M. KNEIER AND CHARLES S. HYNEMAN

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

Beman, Lamar Taney, comp. Selected articles on censorship of speech and press. Pp. 507. N. Y.: H. W. Wilson Co.

Bishop, Joseph Bucklin, and *Bishop, Farnham*. Goethals: genius of the Panama canal. N. Y.: Harper's.

Brown, George Rothwell. Washington: a not too serious history. Baltimore: Norman Pub. Co.

Collman, Charles Albert. Our mysterious panics. N. Y.: Wm. Morrow & Co.

Cornelius, Asher L. Search and seizure without a warrant as well as under a search warrant. (2nd ed.) Indianapolis: Bobbs-Merrill.

Crandall, Andrew Wallace. The early history of the republican party. Boston: Richard G. Badger.

Cutting, Elisabeth. Jefferson Davis, political soldier. N. Y.: Dodd, Mead.

Dodd, David L. Stock watering: the judicial valuation of property for stock-issue purposes. N. Y.: Columbia Univ. Press.

Elderton, Marion, ed. Case studies on unemployment. Pp. 415. Philadelphia: Univ. of Pa. Press.

Fairman, Charles. The law of martial rule. Pp. viii+263. Chicago: Callaghan.

Folwell, William Watts. A history of Minnesota. Vol. 4. Pp. 588. St. Paul (Minn.): Historical Soc.

Guild, Frederic H., and *Snider, Clyde F.* Legislative procedure in Kansas. (Governmental Research Series No. 1.) Pp. ix+84. Lawrence (Kan.): Bureau of Governmental Research and Service, Univ. of Kans.

Helderman, Leonard C. National and state banks; a study of their origins. Pp. 188. Boston: Houghton, Mifflin.

Hughes, Ray Osgood. New community civics. (Rev. ed.) Pp. 518. Boston: Allyn & Bacon.

Hughes, Ray Osgood. Problems of American democracy. (Rev. ed.) Pp. 616. Boston: Allyn & Bacon.

Hughes, Ray Osgood. Workbook in civics. Pp. 298. Boston: Allyn & Bacon.

Hughes, William J. Federal practice: jurisdiction and procedure, civil and criminal, with forms. 14 vols. St. Paul: West Pub. Co.

Jacks, Lawrence Pearsall. Constructive citizenship. Pp. 306. N. Y.: R. R. Smith.

Kennedy, Mary A. How the United States became a united nation. Pp. 231. N. Y.: C. E. Merrill.

Knox, John. The great mistake. Pp. 176. Washington: Nat. Foundation Press.

Lawrence, Joseph Stagg. Banking concentration in the United States. Pp. 333. N. Y.: Bankers Pub. Co.

Loughran, P. H. Judicial review of federal executive action. Pp. 809. Charlottesville (Va.): Michie Co.

Macartney, Clarence E. N. Lincoln and his cabinet. Pp. 384. N. Y.: Scribner's.

Masters, Edgar Lee. Lincoln the man. Pp. 520. N. Y.: Dodd, Mead.

Merz, Charles. The dry decade. N. Y.: Doubleday, Doran.

National Industrial Conference Board. The fiscal problem in Missouri. Pp. xvi+359. N. Y.: Nat. Ind. Conf. Board.

National Industrial Conference Board. State and local taxation of property. Pp. xii+245. N. Y.: Nat. Ind. Conf. Board.

Pasquet, D. Histoire politique et sociale du peuple américain. Pp. 678. Paris: A. Picard.

Peel, Roy V., and Donnelly, Thomas J. The 1923 campaign. Pp. 140. N. Y.: N. Y. Univ. Press.

Reed, Harold L. Federal reserve policy, 1921-1930. Pp. 207. N. Y.: McGraw-Hill.

Rugg, Harold Ordway. A history of American government and culture; America's march toward democracy. Pp. 652. Boston: Ginn.

Scott, William Ellison. Citizenship for new Americans. (3rd ed.) Pp. 205. St. Paul (Minn.): Scott-Mitchell Pub. Co.

Starkey, Glenn Wendell. Maine, its history, resources, and government. (Rev. ed.) Pp. 271. Newark (N. J.): Silver, Burdett.

Stoddard, Lothrop. Master of Manhattan: the life of Richard Croker. N. Y.: Longmans.

Swisher, Carl Brent. Stephen J. Field, craftsman of the law. Pp. 481. Washington: Brookings Institution.

Tanney, Joseph P. The law of government contracts and administration. Chicago: Callaghan & Co.

Wells, Wells. Wilson the unknown; an explanation of an enigma of history. Pp. 365. N. Y.: Scribner's.

Westcott, James H. Oil, its conservation and waste. (4th ed.) Pp. 286. N. Y.: Beacon Pub. Co.

Wingate, Charles E. L. Life and letters of Paine Wingate. 2 vols. Medford (Mass.): Mercury Printing Co.

Wright, Edward N. Conscientious objectors in the civil war. Pp. 270. Philadelphia: Univ. of Pa. Press.

Articles

Abatement of Nuisances. Suits by states to abate nuisances. *G. C. Lay.* U. S. Law Rev. Feb., 1931.

Absent Voting. Soldier voting in Iowa. *Edward Maxwell Benton.* Iowa Jour. Hist. and Pol. Jan., 1931.

Alien Suffrage. The passing of alien suffrage. *Leon E. Aylsworth.* Am. Pol. Sci. Rev. Feb., 1931.

Amendments. The law of rations and article V. *B. S. Dean.* Lawyer and Banker. Nov., Dec., 1930.

———. How long is a state petition for constitutional convention good? *Am. Bar Assoc. Jour.* Mar., 1931.

Anti-Trust Legislation. When a monopoly is not a monopoly. *Randall J. Le Boeuf, Jr.* *Pub. Util. Fort.* Dec. 11, 1930.

———. What price the Sherman law? *Isaac F. Marcossou.* *Sat. Eve. Post.* Feb. 21, 1931.

———. Mergers in abeyance. *J. Heywood.* *World's Work.* Mar., 1931.

———. Proposed changes to the Sherman anti-trust act; their necessity and validity. *P. H. R. Pa. Law Rev.* Mar., 1931.

Aviation. Aviation and the public purpose doctrine. *J. S. F. Jr.* *Va. Law Rev.* Dec., 1930.

———. Regional aviation conferences. *A. T. Stewart.* *Jour. Air Law.* Jan., 1931.

———. National conference held on uniform aeronautic regulatory laws. *F. D. Fagg, Jr.* *Am. Bar Assoc. Jour.* Feb., 1931.

Bank Deposit Guaranty. Guarantee of bank deposits in eight states. *A. B. Butts.* *Miss. Law Jour.* Feb., 1931.

Bankruptcy. Suspension of state insolvency laws by federal bankruptcy act. *H. S. Irwin.* *Dickinson Law Rev.* Jan., 1931.

———. The banks of New York. *Norman Thomas.* *Nation.* Feb. 11, 1931.

Bill of Rights. The bill of rights and the fourteenth amendment. *Columbia Law Rev.* Mar., 1931.

Blue Sky Laws. How blue-sky laws work. *Am. Bankers' Assoc. Jour.* Dec., 1930.

———. Administrative powers under blue sky laws. *J. A. Gross and R. W. Brown.* *St. Louis Law Rev.* Feb., 1931.

Boulder Dam. Economic aspects of the Boulder dam project. *P. T. Homan.* *Quar. Jour. Econ.* Feb., 1931.

Bureaucracy. The great American bureaucracy. Mare's-nests at Washington. *Lawrence Sullivan.* *Atlan. M.* Feb., Mar., 1931.

Business and Government. Do business men want good government? *Marshall E. Dimock.* *Nat. Mun. Rev.* Jan., 1931.

———. Can business manage itself? *Elmer Davis.* *Harper's.* Mar., 1931.

Business Regulation. Business regulation in colonial Massachusetts. (1620-1780). *E. G. Baird.* *Dakota Law Rev.* Feb., 1931.

———. Censorship. *Hiram Motherwell.* *Nation.* Jan. 7, 1931.

Chain Stores. Chain stores and the courts. *E. W. Simms.* *Va. Law Rev.* Feb., 1931.

Child Labor. The proposed uniform child labor act. *B. W. Sanborn.* *Am. Bar Assoc. Jour.* Feb., 1931.

Child Welfare. Safeguarding the child in America. *Grace Abbott.* *Current Hist.* Mar., 1931.

Commerce Clause. Some aspects of the commerce clause. *R. V. Fletcher.* *Miss. Law Jour.* Nov., 1930.

———. The Hawes-Cooper act unconstitutional. *C. H. Davis.* *Lawyer and Banker.* Nov., Dec., 1930.

———. The effect of congressional legislation on state power to regulate railroads. *Columbia Law Rev.* Mar., 1931.

Communism. History of enforcement of "red flag" law in California. *Martin Gendel*. Calif. Law Rev. Nov., 1930.

———. Foster and Fish. *Edmund Wilson*. New Repub. Dec. 24, 1930.

Compulsory Insurance. Should Wisconsin adopt compulsory automobile insurance? *J. A. Padway*. Marquette Law Rev. Dec., 1930.

Compulsory Voting. American citizenship and Australian election methods. *Ira W. Stratton*. Nat. Mun. Rev. Feb., 1931.

Congress. Procedure for expediting the important business of the short session. Cong. Digest. Dec., 1930.

———. The lawyer in congress. *F. Steiwer*. Ore. Law Rev. Dec., 1930.

———. Federal legislation of 1930. Am. Bar Assoc. Jour. Feb., Mar., 1931.

———. Our obsolete constitution. *Henry Hazlitt*. Nation. Feb. 4, 1931.

———. Detour U. S. 72. *Paul D. Hasbrouck*. N. Am. Rev. Feb., 1931.

———. Dusk falls on the capitol. *John Carbin*. World's Work. Mar., 1931.

Conservation. State laws curtailing production of petroleum. *J. B. F. Va.* Law Rev. Dec., 1930.

Constitution. The supreme law of the land. *Frederick E. Crane*. St. John's Law Rev. Dec., 1930.

———. Lawbreakers in high office. *W. F. Helm*. Outlook. Feb. 4, 1931.

Constitutional Law. Has the conflict of laws become a branch of constitutional law? *G. W. C. Ross*. Minn. Law Rev. Jan., 1931.

———. Constitutional law in 1929-30. *Robert E. Cushman*. Am. Pol. Sci. Rev. Feb., 1931.

Contempt of Court. Public comment as contempt of court. *J. J. Chused*. St. Louis Law Rev. Dec., 1930.

Continental Congress. Attendance at the first continental congress. *Frank Harmon Garver*. Proc. Pacific Coast Branch, Am. Hist. Assoc., 1929.

Convict Labor. Statutes restricting the sale of convict-made goods. Harvard Law Rev. Mar., 1931.

Corrupt Practices. Constitutionality of the corrupt practices act. *H. L. H.* Mich. Law Rev. Dec., 1930.

Delaware. The feudal state of Delaware. *Wm. G. Lewis*. World's Work. Feb., 1931.

Depression. Majority votes and the business cycle. *Clark Tibbets*. Am. Jour. Sociol. Jan., 1931.

———. Are depressions avoidable? *George Soule*. New Repub. Feb. 11, 1931.

Double Jeopardy. Successive prosecutions based on the same evidence as double jeopardy. *Case and Comment Editor*. Yale Law Jour. Jan., 1931.

———. Prosecution under state law and municipal ordinance as double jeopardy. *Charles M. Kneier*. Cornell Law Quar. Feb., 1931.

———. Multiple punishment under the double jeopardy rule. Columbia Law Rev. Feb., 1931.

———. Former jeopardy in relation to offenses continuing through several counties. *Note Editor*. Ia. Law Rev. Feb., 1931.

Douglas. Stephen A. Douglas. *Edgar Lee Masters*. Am. Mercury. Jan., 1931.

Drought Relief. Drought and the Red Cross. *Paul U. Kellogg*. When hunger followed drought. *A. L. Schafer*. Survey. Feb., 15, Mar. 1, 1931.

Eminent Domain. Eminent domain and restrictions on use of property. *J. G. Whyte*. Calif. Law Rev. Nov., 1930.

———. Eminent domain—university buildings. *L. C.* South. Calif. Law Rev. Dec., 1930.

———. Value to the taker in condemnation cases. *R. L. Hale*. Columbia Law Rev. Jan., 1931.

———. Construction of recent eminent domain statute in Iowa. *Statute Editor*. Ia. Law Rev. Feb., 1931.

———. The higher law background of the law of eminent domain. *J. A. C. Grant*. Wis. Law Rev. Feb., 1931.

Employers' Liability. Federal employers' liability act. *W. T. Kennerly*. Tenn. Law Rev. Feb., 1931.

Farm Relief. Government interference. *Isaac F. Marcosson*. Sat. Eve. Post. Dec. 20, 1930.

———. The affecting of farmers' coöperatives with the public interest. *Yale Law Jour.* Dec., 1930.

———. The loudest squeak. *J. E. Boyle*. N. Am. Rev. Jan., 1931.

Farm Board. The farmer's friend. *Ray T. Tucker*. Outlook. Feb. 11, 1931.

Federal Relations. Testimony in federal court tending to incriminate under state law. *E. F.* Va. Law Rev. Jan., 1931.

———. Leaning on Uncle Sam. Let George do it. *Albert W. Atwood*. Sat. Eve. Post. Jan., 10, Feb. 14, 1931.

———. Legislatures have no authority to grant powers to the federal government. *Lawyer and Banker*. Jan.—Feb., 1931.

———. Government by special consent. *William Beard*. Am. Pol. Sci. Rev. Feb., 1931.

Federal Reserve System. Eugene Meyer—man and job. *E. G. Lowry*. World's Work. Feb., 1931.

Federal Trade Commission. The federal trade commission's power with reference to stock acquisitions. *T. G. Jeffery*. St. Louis Law Rev. Dec., 1930.

———. Scope of the jurisdiction of the federal trade commission over false and misleading advertising. *Case and Comment Editor*. Yale Law Jour. Feb., 1931.

Full Faith and Credit. Laws regarding settlement in connection with the problem of interstate relationship under a federal system. *C. C. Donnell*. Social Service Rev. Sept., 1930.

———. Right of receivers to sue in other states—full faith and credit. *S. D. E.* South. Calif. Law Rev. Dec., 1930.

Governor. Pinchot's programme. *L. A. Wilkinson*. N. Am. Rev. Jan., 1931.

———. Messages of the governors to the legislatures of 43 states. *U. S. Daily*. Feb. 16, 1931.

———. Albert IV—of Maryland. *F. R. Barkley*. Outlook. Mar. 4, 1931.

Highways. Iowa state highway commission. *S. C. E. Powers*. Iowa Jour. Hist. and Pol. Jan., 1931.

———. Highway safety laws. *S. J. Williams*. State Govt. Feb., 1931.

———. Out of the mud without going into the red. *Albert C. Ritchie*. *World's Work*. Feb., 1931.

Holmes. Justice Oliver Wendell Holmes. *Charles A. Beard*. *Current Hist.* Mar., 1931.

———. Ad multos annos. *Sir Frederick Pollock*. Justice Holmes and the nature of law. *Morris R. Cozen*. *Columbia Law Rev.* Mar., 1931.

———. Mr. Justice Holmes. *Charles E. Hughes*, *Lord Sankey*, *W. A. Jowitt*, *Benjamin N. Cardozo*, *Frederick Pollock*. Holmes the historian. *Theodore F. T. Plucknett*. The early writings of Oliver Wendell Holmes, Jr. *Felix Frankfurter*. *Harvard Law Rev.* Mar., 1931.

Immigration. The oriental on the Pacific coast. *Hubert Phillips*. *Nation*. Jan. 7, 1931.

———. Immigration problems on the Pacific coast. *A. S. Whiteley*. *Current Hist.* Feb., 1931.

———. Shall we close the door? *Eleanor Kinsella McDonnell*. *Sat. Eve. Post*. Mar. 14, 1931.

Impeachment. Tyranny of impeachment procedure. *J. D. Lydick*. *N. Y. Univ. Law Quar. Rev.* Dec., 1930.

Indian Problem. The taxation of Indian property. *R. A. Brown*. *Minn. Law Rev.* Jan., 1931.

———. The plight of the Pueblos. *Nathan R. Margold*. *Nation*. Feb. 4, 1931.

Initiative and Referendum. Suggested changes in methods of informing voters under J. & R. amendment. *Mass. Law Quar.* Jan., 1931.

Injunction. The abolition of ex parte injunctions in New York. *Columbia Law Rev.* Dec., 1930.

———. Further light on pending anti-injunction measure. *T. J. Norton*. *Am. Bar Assoc. Jour.* Jan., 1931.

———. Congressional power over the labor injunction. *Felix Frankfurter* and *Nathan Greene*. *Columbia Law Rev.* Mar., 1931.

———. Labor turns to the injunction. *Alpheus T. Mason*. *N. Am. Rev.* Mar., 1931.

———. The injunction process in labor disputes. *Wayne Gard*. *Current Hist.* Mar., 1931.

Inter-governmental Relations. The present status of the doctrine of inter-governmental relations. *Harvard Law Rev.* Mar., 1931.

Judiciary. The court system of Mississippi. *A. B. Butts*. *Miss. Law Jour.* Nov., 1930.

———. The selective draft cases—a judicial mile-post on the road to absolutism. *F. R. Black*. *Boston Univ. Law Rev.* Jan., 1931.

———. The bar's duty in the selection of judges. *A. V. Cannon*. *Com. Law League Jour.* Jan., 1931.

———. Judicial errors, unfair trials, and the fourteenth amendment. *Note Editor*. *Harvard Law Rev.* Jan., 1931.

———. Comparative review of recent statute changing method of appointment of members of commission of appeals of the supreme court and enlarging their duties. *B. H. Powell*. *Tex. Law Rev.* Feb., 1931.

———. Conclusiveness of rulings on jurisdiction. *H. R. Medina*. The jurisdiction of state courts over cases involving patents. *Columbia Law Rev.* Feb., Mar., 1931.

Judicial Council. The judicial council in California. *J. W. Kaufman*. *U. S. Law Rev.* Feb., 1931.

Judicial Review. Review of decisions of administrative tribunals, industrial accident commission. *Warren H. Pillsbury*. *Calif. Law Rev.* Mar., 1931.

Labor. The supreme court interprets the railway labor act. *Edward Berman*. *Am. Econ. Rev.* Dec., 1930.

———. The yellow-dog injunction. *Joel I. Seidman*. Danville: labor's southern outpost. *Louis Stanley*. *Nation*. Dec. 31, 1930, Jan. 21, 1931.

———. "Yellow dog" contracts. *E. E. Witte*. The constitutionality of Wisconsin's statute invalidating "yellow dog" contracts. *Donald MacDonald*. *Wis. Law Rev.* Dec., 1930, Feb., 1931.

———. Anti-union contracts. *C. R. Drugherty*. *Harvard Bus. Rev.* Jan., 1931.

———. A strike and its legal consequences; an examination of the receivership precedent for the labor injunction. *Walter Nelles*. *Yale Law Jour.* Feb., 1931.

———. The yellow dog contract. *C. F. Z.* *Marquette Law Rev.* Feb., 1931.

———. Collective labor agreements in American law. *W. G. Rice, Jr.* *Harvard Law Rev.* Feb., 1931.

———. "Yellow dog" contract. *P. F. Coe*. *Am. Federationist*. Feb., 1931.

La Follette. Robert M. La Follette in retrospect. *Frederic A. Ogg*, *Current Hist.* Feb., 1931.

———. Young Bob La Follette. *Mauritz A. Hallgren*. *Nation*: Mar. 4, 1931.

Legislation. The quantity of regulatory legislation. *R. F. Fuchs*. *St. Louis Law Rev.* Dec., 1930.

———. The multiplicity of laws. *T. S. Dabagh*. *Am. Bar Assoc. Jour.* Feb., 1931.

———. Emergency legislation. *Note Editor*. *Harvard Law Rev.* Mar., 1931.

Legislative Reference Bureau. Spending to save. *State Govt.* Jan., 1931.

Legislatures. Constitutional regulation of legislative procedure in Colorado. *T. P. Fry*. *Rocky Mt. Law Rev.* Dec., 1930.

———. Four suggested improvements in the North Carolina legislative process. *M. T. Van Hecke*. *N. C. Law Rev.* Dec., 1930.

———. Appropriation for payment of expenses of legislators. *Note Editor*. *Ia. Law Rev.* Dec., 1930.

———. The general court of Massachusetts. *A. P. Rugg*. *Boston Univ. Law Rev.* Jan., 1931.

———. Legislative investigation. *E. T. Lord*. *Law Notes*. Jan., 1931.

———. Legislative standardization. *Ernst Freund*. *State Govt.* Feb., 1931.

———. Should we pay law-makers? *Waldo Schumacker* and *H. W. Toll*. *State Govt.* Feb., 1931.

———. The make-up of a state legislature. *J. Catron Jones*. *Am. Pol. Sci. Rev.* Feb., 1931.

———. "Rotten borough" representation in Ohio. *F. R. Aumann*. *Nat. Mun. Rev.* Feb., 1931.

Lobbying. The lady lobbyist. *Marie Ames*. *Woman's Jour.* Nov., 1930.

Maternity Bill. Congress considers a new maternity and infancy bill. *Cong. Digest*. Feb., 1931.

Mellon. Mellon—Croesus and Corinthian. *Lucius Beebe*. *Outlook*. Feb. 4, 1931.

National Defense. Industry and national defense. *G. V. Moseley*. *Coast Artillery Jour.* Jan., Feb., 1931.

National Supremacy. Ableman vs. Booth. *H. H. Hagan*. *Am. Bar Assoc. Jour.* Jan., 1931.

Naturalization. Naturalization proceedings—mental reservations as to bearing arms. *H. P. Snyder*. *W. Va. Law Quar.* Feb., 1931.

Negro Problem. Negro suffrage and the south. *J. S. Stemons*. *Southwest Rev.* Winter, 1931.

———. The negro and the supreme court. *Walter White*. *Harper's*. Jan., 1931.

———. Der Neger in den Vereinigten Staaten von Amerika. *Ernst Untermann*. *Sozialistische Monatshefte*. Jan., 1931.

———. The rise of the black people. *Wm. Hickens*. *Fort. Rev.* Feb., 1931.

Non-Justiciable Question. Constitutional duties and inadequate enforcement machinery. *E. F. Alberts-vorth*. *Am. Bar Assoc. Jour.* Mar., 1931.

Pardon. Power to revoke pardon for fraud. *B. T. Lord*. *Law Notes*. Nov., 1930.

Philippines. An experiment in government and law in the Philippines. *E. A. Gilmore*. *Ia. Law Rev.* Dec., 1930.

———. The Philippines. *Vicente Linz*. *Coast Artillery Jour.* Jan., 1931.

———. The American raising of the Filipino. Void of the Philippines. *Garet Garrett*. *Sat. Eve. Post*. Feb. 7, 21, 1931.

Police Power. Recognition in law of aesthetic considerations. *C. E. Spencer*. *Commonwealth Rev.* Nov., 1930.

———. The doctrine of reasonableness in the police power. *S. M. Soref*. *Marquette Law Rev.* Dec., 1930.

———. Public aesthetics and the billboard. *H. W. Proffitt*. *Cornell Law Quar.* Feb., 1931.

Politics. The power issue emerges. *F. R. Barkley*. *Outlook*. Dec. 17, 1930.

———. An appeal to progressives. *Edmund Wilson*. Hard-boiled radicalism. *George Soule*. The position of the progressive. *Robert Hallowell*, *Kenneth Burke*, *Matthew Josephson*, and *Benjamin Ginsberg*. *New Repub.* Jan. 14, 21, Feb. 4, 18, 1931.

———. James Hamilton Lewis. *Sol Weiss*. *Com. Law League Jour.* Jan., 1931.

———. Raskob. *R. C. McManus*. *N. Am. Rev.* Jan., 1931.

———. Young for president? *Paul Y. Andersen*. *Nation*. Feb. 25, 1931.

———. Owen Young as a public servant. *Editor*. *Rev. of Revs.* Feb., 1931.

———. The publicity division of the democratic party, 1929-30. *Thomas S. Barclay*. *Am. Pol. Sci. Rev.* Feb., 1931

- . The stakes of '32. *Arthur Krock*. *Am. Mercury*. Feb., 1931.
- . Power and glory. *Walter Lippman* and *Robert B. Vale*. *Collier's* Feb. 21, 1931.
- . Watchman, what of the night? *Jouett Shouse*. The party flag comes down. *W. P. Beazell*. A national political armistice. *E. P. Costigan*. The future of the republican party. *David A. Reed*. Sense for republicans. *George H. Moses*. *Atlan.* M. Feb., Mar., 1931.
- . Brookhart, insurgent. *L. H. Cook*. Democratic possibilities for 1932. *Henry Carter*. *N. Am. Rev.* Feb., Mar., 1931.
- Post Office Department. Air mail and passengers. *Walter F. Brown*. *Sat. Eve. Post.* Feb. 28, 1931.
- Presidency. The secretary to the president. *Everett Sanders*. Portrait of a president. The president's job. *Will Irwin*. *Sat. Eve. Post.* Dec. 20, 1930, Jan. 17, Feb. 28, Mar. 7, 1931.
- . Control over armed forces. *F. E. Black*. *Ky. Law Rev.* Jan., 1931.
- . Our president's increasing power. *William Bennett Munro*. *Current Hist.* Mar., 1931.
- Prohibition. The eighteenth amendment. *C. H. Kuenzli*. *New Church Rev.* Oct., 1930.
- . Wickersham and his commission. *Gardner Jackson*. *Nation*. Jan. 21, 1931.
- . Prohibition—a study of the problem and its remedy. *Charles Kassel*. *Open Court*. Jan., Feb., 1931.
- . State liquor dispensaries as a solution to the prohibition question. *H. W. Ithig*. *Marquette Law Rev.* Feb., 1931.
- . "Upon what meat—?" *G. A. England*. *N. Am. Rev.* Mar., 1931.
- . After repeal—more crime or less? *Ex-criminal*. *Scribner's*. Mar., 1931.
- . The report on prohibition. *Editor*. *Rev. of Revs.* Mar., 1931.
- . Ten years of prohibition. *James J. Forrester*. *Current Hist.* Mar., 1931.
- . Liability of purchasers of intoxicating liquors to federal prosecution. *J. L. W.* *Mich. Law Rev.* Mar., 1931.
- Public Debts. Priority problems in public debt settlements. *E. H. Feilchenfeld*. *Columbia Law Rev.* Dec., 1930.
- Public Lands. The current federal oil policy: a change in the public land policy. *C. G. Haglund*. *South. Calif. Law Rev.* Feb., 1931.
- Public Ownership. Why government operation is political operation. *Paul Tomlinson*. The drift toward socialism. *Louis Benedict*. The involuntary utility investor—by government edict. *F. M. Peterson*. *Pub. Util. Fort.* Dec. 11, 1930, Jan. 8, 22, 1931.
- . The movement for public ownership of power. In Oregon. *E. P. Schmidt*. In Washington. *Elliot Marple*. *Jour. Land & Pub. Util. Econ.* Feb., 1931.
- Public Utilities. Practice and procedure before the public utilities commission of Ohio. *I. S. Rosenbaum*. *Cincinnati Law Rev.* Nov., 1930.
- . What federal regulation is doing to the railroads. *Herbert Corey*. The raid of the radicals on state regulation. *H. L. Hooker*. Why a commissioner

is more than a rate fixer. *Lee Dennis*. Regulation by intimidation of state commissioners. *H. T. Dobbins*. Pub. Util. Fort. Dec. 25, 1930, Jan. 22, Feb. 19, 1931.

———. Recent efforts to immunize commission orders against judicial review. *K. F. Burgess*. A reply. *M. H. Merrill*. Ia. Law Rev. Dec., 1930.

———. The railroad commission of Wisconsin. *Martin G. Glaeser*. The Municipality. Jan., 1931.

———. The Massachusetts proposals for public control. *L. A. Goldberg*. Boston Univ. Law Rev. Jan., 1931.

———. State legislation on public utilities in 1930. *Orren C. Hormell*. Am. Pol. Sci. Rev. Feb., 1931.

———. What constitutes a common carrier. *E. N. Cannon*. Marquette Law Rev. Feb., 1931.

———. The supreme court views the economics of the telephone system. *E. W. Morehouse*. Reasonable live stock commission rates. *G. N. Dagger* and *H. D. Dozier*. Jour. Land & Pub. Util. Econ. Feb., 1931.

———. Holding Companies. Tax escape by manipulations of holding company. *M. S. Breckenridge*. N. C. Law Rev. Feb., 1931.

———. Should the public utility holding company be regulated? *James C. Bonbright*. Why the regulation of operating companies regulates rates. *Martin J. Insull*. Pub. Util. Fort. Feb. 19, 1931.

———. Recent developments in the law of public utility holding companies. *D. E. Lilienthal*. A rejoinder. *J. C. Bonbright*. Columbia Law Rev. Feb., 1931.

———. Motor Carriers. Motor carrier questions in the lower federal courts. *J. J. George*. Boston Univ. Law Rev. Jan., 1931.

———. Commercial use of the highway as a basis of motor carrier regulation. *Case and Comment Editor*. Yale Law Jour. Jan., 1931.

———. Regulation of the contract motor carrier under the constitution. *LaRue Brown* and *S. N. Scott*. Harvard Law Rev. Feb., 1931.

———. State regulation of motor vehicles operating in interstate commerce. *Mac Asbill*. Am. Bar Assoc. Jour. Feb., 1931.

———. Rates. Depreciation and the depreciation charge. *R. H. Kelley*. Advantages of terminals as affecting rates. *R. H. Markwell*. Tex. Law Rev. Dec., 1930.

———. Why not be rational in figuring depreciation? *Marshall Leighton*. Pub. Util. Fort. Jan. 8, 1931.

———. A jolt for high light bills. *Vernon MacMickle*. Nation. Jan. 28, 1931.

———. Changing factors of reasonable rates. *C. M. Updegraff*. Mich. Law Rev. Jan., 1931.

———. Consideration and control of commercial conditions in railroad rate regulation. *Case and Comment Editor*. Yale Law Jour. Feb., 1931.

———. *Smith v. Illinois Bell Telephone Co.*: a development in the law of public utilities. *Note Editor*. Harvard Law Rev. Mar., 1931.

———. Rate regulation: some significant problems raised by the California railroad commission. *J. C. Swidler*. Jour. Land & Pub. Util. Econ. Feb., 1931.

———. Securities. The effect of the election on utility securities. *P. W. Garrett*. Pub. Util. Fort. Dec. 11, 1930.

Race Prejudice. Race prejudice in America. *A. R. Mangus.* Quar. Jour. Univ. N. D. Fall, 1930.

Radio. State regulation of radio. *T. H. Brown.* Jour. Air Law. Jan., 1931.

Railroad Consolidation. A bad omen for railroad consolidation. *Editor.* New Repub. Feb. 4, 1931.

———. Will the fifth line fight? *J. T. Flynn.* World's Work. Mar., 1931.

———. Control of railroad reorganizations by the interstate commerce commission. *Note Editor.* Harvard Law Rev. Mar., 1931.

Receiverships. The appointment of receivers for national banks. *Harvard Law Rev.* Feb., 1931.

Root. Elihu Root. *Claude G. Bowers.* Current Hist. Jan., 1931.

Search and Seizure. Search warrants and prohibition enforcement. *R. H. Alcorn.* Dakota Law Rev. Dec., 1930.

Self-Incrimination. Waiver of the privilege against self-incrimination by public officers. *Note Editor.* Columbia Law Rev. Dec., 1930.

Social Insurance. Social insurance in America. *John B. Andrews.* Current Hist. Feb., 1931.

State Constitutions. Should Indiana call a constitutional convention? *A. H. Huguenard.* Notre Dame Lawyer. Nov., 1930.

State Funds. Irregularities in custody of state funds in Missouri. *Martin L. Faust.* Nat. Mun. Rev. Feb., 1931.

State Reorganization. The proposed reorganization of the government of Arkansas. *D. Y. Thomas.* Univ. of Ark. Bulletin (General Extension Service). Vol. 24, No. 17 (Dec. 1, 1930) (Law School Bulletin, Vol. 2, No. 2).

Suability of States. Administrative phases of state responsibility. *Note Editor.* Harvard Law Rev. Jan., 1931.

Supreme Court. The Swing-Johnson bill and the supreme court. *R. D. Niles.* Rocky Mt. Law Rev. Nov., 1930.

———. The doctrine of the supremacy of the supreme court. *H. E. Willis.* Ind. Law Jour. Jan., 1931.

———. The rôle of the United States senate in passing on the nominations to membership in the supreme court. *Forrest R. Black.* Ky. Law Jour. Mar., 1931.

Tariff. Tariff tinkering. Taking the tariff out of politics. *David A. Reed.* Sat. Eve. Post. Jan. 3, Feb. 7, 1931.

———. Our tariff swaddling clothes. *Bernhard Knollenberg.* Atlan. M. Mar., 1931.

Taxation. The taxation of public property. *James. D. Barnett.* Commonwealth Rev. Nov., 1930.

———. The legislature should substitute more suitable tax laws. *E. J. Devlin.* Detroit Law Rev. Nov.-Dec., 1930.

———. Tendencies in the taxation of intangibles. *C. L. B. Lowndes.* Va. Law Rev., Dec., 1930.

———. State income taxation. *Reed G. Blakey.* League of Minn. Municipalities. Pub. No. 31 (Dec. 15, 1930).

———. Discrimination against chain stores by taxation. *E. E. T. South.* Calif. Law Rev. Dec., 1930.

———. The mortgage registry tax in New York. *L. B. Zeisler*. Cornell Law Quar. Dec. 1930.

———. Taxation directed against the chain store. *Case and Comment Editor*. Yale Law Jour. Jan., 1931.

———. Chain store taxation—constitutional questions. *Note Editor*. Columbia Law Rev. Jan., 1931.

———. Jurisdiction for the purpose of imposing inheritance taxes. *D. R. Mason*. Mich. Law Rev. Jan., 1931.

———. The corporate character of the taxpayer as a basis of classification in state property taxation. *Note Editor*. Harvard Law Rev. Jan., 1931.

———. Taxation of foreign corporations. *E. A. Colbert and J. S. Pyke*. Cincinnati Law Rev. Jan., 1931.

———. More money from lower taxes. *Simon E. Leland*. Taxing chains. *Mary M. Kirsch*. State Govt. Jan. 1931.

———. Taxation of national bank shares. *C. S. Buschmann*. Ind. Law Jour. Feb., 1931.

———. State income taxation. *Roy G. Blakey*. Observations on the income tax. *Charles D. Rosa*. Minn. Municipalities. Jan., Feb., Mar., 1931.

———. Restrictions on state taxation because of interference with federal functions. *R. C. Brown*. Va. Law Rev. Feb., 1931.

———. The collection and division of revenues between state and local governments with special reference to New York. *M. S. Kendrick*. Jour. Pol. Econ. Feb., 1931.

———. Why not a tax disarmament conference? *C. A. Crosser*. Nat. Mun. Rev. Feb., 1931.

Tort Claims. Tort claims against the United States. *O. R. McGuire*. Georgetown Law Jour. Jan., 1931.

Unemployment. Unemployment. *Lec Wolman*. Yale Rev. Winter, 1931.

———. Fighting unemployment. III. Stabilization. *Henry Raymond Mussey*. Nation. Dec. 24, 1930.

———. Must we resort to the dole? *Guy Greer*. Outlook. Dec. 24, 1930.

———. The definition of unemployment in unemployment insurance measures. *Note Editor*. Harvard Law Rev. Dec., 1930.

———. A better American way with unemployment. *Editor*. Dole for employers. *Sumner H. Slichter*. New Repub. Dec. 31, 1930.

———. Community organization in unemployment emergencies. *Shelby M. Harrison*. Am. City. Jan., 1931.

———. Unemployment in the United States. *William MacDonald*. Current Hist. Jan., 1931.

———. Public employment services. Monthly Labor Rev. Jan., 1931.

———. Congress and employment. I. Emergency aid. II. Efforts to stabilize. Cong. Digest. Jan., 1931.

———. Solving the riddle of unemployment. *J. Lynn*. Am. Federationist. Feb., 1931.

———. America meets depression. *G. A. Stevenson*. Fort. Rev. Feb., 1931.

———. Community planning in unemployment emergencies. *Joanna C. Colcord*. Monthly Labor Rev. Feb., 1931.

———. Shall we stick to the American dole? *Heleen Hall*. Three cities look

ahead. Detroit does something about it. *Beulah Amidon*. American plans of unemployment insurance. *Paul H. Douglas*. Dole-itis. *C. M. Mills*. A program of public works. *O. T. Mallery*. Survey. Jan. 1, Feb. 1, Feb. 15, Mar. 1, 1931.

Water Power. The power fight goes on. *Ruth Finney*. The new power battle. *Editor*. Nation. Dec. 24, 1930, Jan. 21, 1931.

———. New York and its waters. *W. S. Andrews*. Cornell Law Quar. Dec., 1930.

———. The West Virginia water-power act. *J. W. Simonton*. W. Va. Law Quar. Dec., 1930.

———. The water cure. *Ray Lyman Wilbur*. World's Work. Feb., 1931.

———. The use of water power in the generation of electricity. *Charles B. Elder*. Ill. Law Rev. Mar., 1931.

Water Transportation. Water transportation in the United States. *Lytle Brown*. Harvard Bus. Rev. Jan., 1931.

White Primary. Constitutional law. party rules excluding negroes from voting in primaries. *T. Brown*. N. C. Law Rev. Feb., 1931.

Wilson. Woodrow Wilson's last years. *George Creel*. Sat Eve. Post. Jan. 10, 1931.

———. Woodrow Wilson after ten years. *Harold J. Laski*. Forum. Mar., 1931.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Adler, Franz. Grundriss des tschechoslowakischen Verfassungsrechtes. Pp. 132. Reichenberg: Stiepel.

Aguesse, L. Souveraineté et nationalité en Tunisie. Pp. 371. Paris: Recueil Sirey.

Andréadès, A. Philip Showden. (Trans. by Dorothy Bolton.) Pp. xiii+110. London: P. S. King.

Anon. Code civil de la république de Chine. Pp. 195. Paris: Recueil Sirey.

Anon. Taxation as it affects the doing of business abroad in England, France, Germany, U. S. A. Pp. 226. Paris: Recueil Sirey.

Anthouard and Ranchot. L'expédition de Madagascar. Paris: Société d'Edit. Géographiques, Maritimes et Coloniales.

Ardant, Marcel. Les juridictions criminelles dans les colonies françaises. Pp. 324. Paris: Les Presses Universitaires.

Balabanoff, Angelica. Wesen und Werdegang des italienischen Fascismus. Pp. 286. Wien: Hess.

Barou, N. Russian coöperative banking. London: P. S. King.

Baudhuin, Fernand. La Belgique après le centenaire. Pp. 276. Louvain: Société d'Etudes Morales, Sociales et Juridiques.

Benedek, P. Le régime foncier de la Transylvanie. Pp. 154. Paris: Recueil Sirey.

Benn, Ernest J. P. Account rendered, 1900-1930. Being an attempt to estimate the moral and material cost of new ideas expressed in the political activities of Great Britain during this period. Pp. 234. London: Benn.

Benson, Professor, and Others. New Zealand affairs. Pp. viii+241. Christchurch (N. Z.): L. M. Isitt.

Beradt, Martin. Der deutsche Richter. Pp. 230. Frankfurt: Rütten & Loening.

Boldt, Walter, and Boldt, Gerhard. Stadtverfassung und Stadtverwaltung in Preussen. Pp. xvi+272. Berlin: Stilke.

Bonn, M. J. Der neue Plan als Grundlage der deutschen Wirtschaftspolitik. Pp. 286. Munich: Duncker & Humblot.

Braddon, Sir Henry. The making of a constitution. Pp. 247. London: Australian Book Co.

Brethe De La Gressaye, J. Le syndicalisme, l'organisation professionnelle et l'état. Pp. 360. Paris: Recueil Sirey.

Brookes, E. H., and Others. Coming of age: studies in South African citizenship and politics. Cape Town: Maskew Miller.

Canadian annual review of public affairs, 1929-1930. Toronto: Canadian Review Co.

Canaway, A. P. The failure of federalism in Australia. Pp. 224. N. Y.: Oxford Univ. Press.

Carroll, Mollie Ray. Unemployment insurance in Germany. (2nd ed.) Pp. 137. Washington: Brookings Institution.

Cauvin, André. Réforme fiscale. Pp. 104. Bruxelles: Office de publicité.

Chevallier, J. J. L'évolution de l'empire britannique, 2 vols. Pp. 1100. Paris: Libr. des Edit. Internationales.

Cheyney, Edward P. Modern English reform: from individualism to socialism Philadelphia: Univ. of Pa. Press.

Chlepner, B. S. Le marché financier belge depuis cent ans. Bruxelles: Falk.

Christoff, Theodor. Das heutige Bulgarien. Berlin: Runge.

Cory, Sir Geo. E. The rise of South Africa. Vol. V, 1847-1853. Pp. xiv+520. London: Longmans.

Counts, George Sylvester. The soviet challenge to America. Pp. 387. N. Y.: John Day.

Coupland, R. The American revolution and the British empire. N. Y.: Longmans.

Coyajee, J. C. The Indian currency system 1835-1926. Pp. xviii+326. Madras: Minerva Press.

Csikay, Paul de. L'europe centrale, économique et sociale. Pp. 160. Paris: Alcan.

Das, R. K. The industrial efficiency of India. Pp. 212. London: P. S. King.

Dassy, Émile. Les impôts en Belgique. Pp. 113. Bruxelles: Emile Bruylant.

Dominique, Pierre. Oui, mais Moscou. Pp. 288. Paris: Valois.

Dubey, D. L. The Indian public debt. Pp. x+332. London: Kegan Paul.

Duboscq, André. La Chine et la Pacifique. Pp. 206. Paris: Fayard.

Ebers, Godehard Josef. Staat und Kirche im neuen Deutschland. Pp. 432. München: Huber.

Eckhart, F. A short history of the Hungarian people. Pp. 244. London: Grant Richards.

Eddy, George Sherwood. The challenge of Russia. Pp. 288. N. Y.: Farrar & Rinehart.

Edwards, J. Hugh. David Lloyd George. 2 vols. Pp. xv+363, vii+367. London: Waverley Book Co.

Espora, Jean. La Tunisie. Pp. 208. Paris: Larousse.

Farbman, Michael. Russia's five-year plan. N. Y.: New Republic.

Ferenzi, Oscar de. La vérité sur l'Alsace. Pp. 500. Paris: Blund & Gay.

Gauba, Kanhaya Lal. H. H.; or, the pathology of princes. N. Y.: Brentano's.

Giesbrecht, Heinrich K. Deutschland am Scheideweg. Pp. vii+150. Freiburg: Herder.

Giese, Friedrich and Others. Deutsches Verwaltungsrecht. Pp. xv+470. Berlin: Industrieverl. Spaeth & Linde.

Graham, Gerald S. British policy and Canada, 1774-1791. Pp. 172. N. Y.: Longmans.

Gretton, R. H. A modern history of the English people. Pp. 1185. London: Secker.

Haksar, K. N., and Panikkar, K. M. Federal India. Pp. xii+211. London: Martin Hopkinson.

Hall, Walter Phelps. Empire to commonwealth: thirty years of British imperial history. Pp. 526. N. Y.: Holt.

Hamilton, C. Modern Germanies. Pp. 256. London: Dent.

Hancock, W. K. Australia. Pp. 326. London: Benn.

Hauriou, Maurice. La jurisprudence administrative de 1892 à 1929. 3 vols. Pp. 743, 764, 860. Paris: Recueil Sirey.

Hitler, Adolf. Mein Kampf. Pp. xvii+781. München: Eher.

Hodann, Max. Sowjetunion gestern, heute, morgen. Pp. 264. Berlin: Universitas.

Hoover, Calvin B. The economic life of soviet Russia. Pp. 369. N. Y.: Macmillan.

Huber, Ernst Rudolf. Verträge zwischen Staat und Kirche im deutschen Reich. Pp. 229. Breslau: M. & G. Marcus.

Hull, Eleanor. A history of Ireland and her people. Vol. II. Pp. 488. London: Harrap.

India: the commission and the conference. London: Times Pub. Co.

Indian, An. Bridging the gulf. Pp. xiii+182. London: P. S. King.

Istrati, P. Russia unveiled. Pp. 272. London: Allen & Unwin.

Jauniaux, A. Cent années de mutualité en Belgique. Pp. 162. Bruxelles: L'Eglantine.

Jèze, Gaston. Cours élémentaire de science des finances et de législation financière française. Pp. 432. Paris: Giard.

Keith, A. B. The first British empire. Pp. 456. N. Y.: Oxford Univ. Press.

Kennedy, M. D. The changing fabric of Japan. N. Y.: R. R. Smith.

Kenworthy, J. M. India: a warning. London: E. Mathews & Marrot.

Kirkpatrick, F. A. A history of the Argentine republic. N. Y.: Macmillan.

Knickerbocker, H. R. The red trade menace; progress of the soviet five-year plan. Pp. 295. N. Y.: Dodd, Mead.

Koch-Weser, Erich. Germany in the post-war world. Pp. 218. Philadelphia: Dorrance.

Koellreutter, Otto. Der Sinn der Reichstagswahlen vom 14 September 1930 und die Aufgaben der deutschen Staatslehre. Tübingen: Mohr.

- Lafue, Pierre.* Lénine ou le mouvement. Paris: Edit. Prométhée.
- Lairolle, Frantz de.* Les assurances sociales en France. Paris: F. de Lairole.
- Lamprecht, Kurt.* Regiment Reichstag. Pp. 270. Hamburg: Fackelreiter-Verlag.
- Latthe, D. B. A. B.* Problems of Indian states. Pp. 177. Bhamburda Peth, Poona City: Aryabhusham Press.
- Laurain, Louis.* L'état français et la radiodiffusion. Paris: L. Venot.
- Laurat, Lucien.* L'économie soviétique. Paris: Valois.
- La Vega, José de.* Démocratie et soviétisme. Pp. 238. Paris: Giard.
- Lenhoff, Arthur.* Die Koalition als Grundlage des Arbeitsrechts. Pp. 124. Wien: Springer.
- McCurdy, Charles A.* Empire free trade. Pp. 124. London: Hutchinson.
- Marinoni, Antonio.* Italy, yesterday and today. Pp. 325. N. Y.: Macmillan.
- Marriott, Sir John A. R.* The crisis of English liberty. Pp. 486. N. Y.: Oxford Univ. Press.
- Maspétiol, R., and Laroque, P.* La tutelle administrative: le contrôle des administrations départementales, communales, coloniales, et des établissements publics. Pp. 400. Paris: Recueil Sirey.
- Matsunami, N.* The constitution of Japan. Pp. 358. Tokyo: Luzac.
- Michels, Robert.* Italien von heute. Leipzig: Orell Füssli.
- Mirkine-Guetzevitch, B., and Scelles, Georges.* L'union européenne. Pp. 334. Paris: Delagrave.
- Molitrac, J.* Traité de législation douanière. Pp. 336. Paris: Recueil Sirey.
- Mosley, O.* A national policy. London: Macmillan.
- Mouhiddin, Tahsin.* La réforme financière en Turquie. Pp. 224. Paris: Rousseau.
- Nizon, J.* The authentic history of civil service superannuation. London: P. S. King.
- O'Donnell, C. J.* The Irish future with the lordship of the world (4th ed.) Pp. 269. London: Cecil Palmer.
- Orchard, J. E.* Japan's economic position. Pp. 504. N. Y.: McGraw-Hill.
- Palmer, Julian.* Sovereignty and paramountcy in India. Pp. 104. London: Stevens.
- Papers on Indian states development.* Pp. vii+143. London: East & West.
- Pares, Bernard.* My Russian memoirs. Pp. 623. London: Jonathan Cape.
- Poincaré, R.* The memoirs of Raymond Poincaré. Vol. IV. (Trans. by Sir George Arthur.) Pp. 352. London: Heinemann.
- Robertson, J. M.* Fiscal folly and fraud: a study of the propaganda of empire free trade. Pp. 152. London: British Periodicals.
- Roder, Hans Fritz.* Parteien und Parteienstaat in Deutschland. Pp. 114. München: Max Hueber.
- Rossier, Edmond.* Histoire politique de l'Europe. Pp. 368. Paris: Payot.
- Roubaud, Louis.* Viet-Nam, la tragédie indochinoise. Pp. 320. Paris: Valois.
- Ryland, R. H., ed.* Digest of cases decided by the superior and other courts of Ireland, 1919-1928. Pp. civ+362. Dublin: Falconer.
- Sass, Johs.* Die 27 deutschen Parteien 1930 und ihre Ziele. Hamburg: Himmelheber.

Schwernik, Alexander. Sowjetgewerkschaften und Fünfjahrplan. Berlin: Führer-Verlag.

Somerville, H. Britain's economic illness. Pp. 148. London: Harding & More.

Staline, J. Discours sur le plan quinquennal. Pp. 240. Paris: Valois.

Stock, Leo F., ed. Proceedings and debates of the British parliaments respecting North America, 1702-1727. Vol. 3. Pp. 597. Washington: Carnegie Institution.

Stokes, Robert. New imperial ideals. Pp. xix+314. London: John Murray.

Thilo, Ulrich. Problème der staats- und völkerrechtlichen Stellung Bayerns. Berlin: Stilke.

Trotabas, L. Constitution et gouvernement de la France. Paris: A. Colin.

Trotsky, Léon. L'internationale communiste depuis la mort de Lénine. Pp. 440. Paris: Rieder.

Tsai, Min-chien T. Z. Two years of nationalist China. Pp. 523. Shanghai: Kelly & Welsh.

Vallentin-Luchaire, Antonina. Stressemann. N. Y.: Richard R. Smith.

Vanlande, René. L'Indochine sous la menace communiste. Paris: J. Peyronnet.

Weberstedt, Hans. Die politischen Parteien und ihre Sünden. München: Eher.

Westphalen, F. A. Die theoretischen Grundlagen der Sozialpolitik. Pp. vii+196. Jena: G. Fischer.

White, William C. These Russians. N. Y.: Scribner's.

Williamson, J. A. The evolution of England: a commentary on the facts. Pp. 481. London: Oxford Univ. Press.

Woodward, W. H. A short history of the expansion of the British empire, 1500-1930. Pp. 368. London: Cambridge Univ. Press.

Articles

Administration. Officials and the public. *E. J. Foley* and *Herman Finer.* Personal relations of officials and the public. *G. H. S. Bunning.* Problems associated with the development of administrators and the training of staff. *F. B. Lee.* The case for the supply department. *H. S. Sadler.* Pub. Admin. Jan., 1931.

Argentina. La révolution Argentine du 6 septembre 1930. *Luciano Abeille.* Grande Rev. Jan., 1931.

Australia. The Australian problem. *D. B. Copland.* Econ. Jour. Dec., 1930.

———. Western Australia and Australian federation. *Sir John Kirwan.* Nine. Cent. Feb., 1931.

———. Australian federalism at the cross roads. *K. O. Warner.* Pacific Affairs. Feb., 1931.

———. The Australian crisis. *Q. For. Affairs.* Apr., 1931.

Austria. L'Autriche. *André E.-Sayous.* Rev. Econ. Int. Nov., 1930.

———. The fascist thrust in Austria. *T. E. R. Gedyé.* Contemp. Rev. Dec., 1930.

———. Zur Organisation der inneren Verwaltung in Österreich. *Otto Hausleiter.* Zeitschrift gesamte Staatswissenschaft. Jan., 1931.

———. The reconstruction of Austria. *E. W. Polson Newman*. English Rev. Jan., 1931.

———. The future of Austria. *Robert Dunlap*. Quar. Rev. Jan., 1931.

———. Brighter days in Austria. *John Gunther*. Nation. Jan. 21, 1931.

Belgium. La question flammande et l'avenir de la Belgique. *Paul Blanchart*. Grande Rev. Nov., 1930.

———. L'évolution du régime budgétaire belge. *H. Matton*. Rev. Econ. Int. Nov., 1930.

———. A propos du centenaire de l'indépendance belge. *Louis Nicolle*. Rev. Pol. et Parl. Jan., 1931.

Brazil. The revolution in Brazil. *Agnes S. Waddell*. For. Pol. Assoc. Inf. Service. Mar. 4, 1931.

British Empire. Notes on imperial constitutional law. *A. Berriedale Keith*. The structure of the empire. *T. Baty*. Jour. Comp. Legis. and Int. Law. Nov., 1930.

———. Gentlemen—the British empire. *Lord Eustace Percy*. Atlan. M. Dec., 1930.

———. 1926-1930-1931? The imperial conference. *Ernest Brown*. Contemp. Rev. Dec., 1930.

———. The imperial conference. *Lakin Johnston*. Fort. Rev. Dec., 1930.

———. The king in the overseas empire. *Owen Clough*. Nine. Cent. Jan., 1931.

Bulgaria. König Ferdinand von Bulgarien. *H. R. Madol*. Preuss. Jahrbücher. Feb., 1931.

Canada. Is the Canadian legislation on trade-marks ultra vires? *W. P. M. Kennedy*. The legal status in British Columbia of residents of oriental race and their descendants. *H. F. Angus*. Canacian Bar Rev. Dec., 1930, Jan., 1931.

———. The maple leaf changes color—Canada goes conservative. *Ben A. Arneson*. Southwestern Pol. and Soc. Sci. Quar. Dec., 1930.

———. Is Canadian liquor control a failure? *Ernest Thomas*. Current Hist. Feb., 1931.

———. How Canada deals with its criminals. *James Montagnes*. N. Am. Rev. Mar., 1931.

———. Ontario's experiment. *Sir Henry L. Drayton*. Sat. Eve. Post. Mar. 21, 1931.

China. The national government of the Chinese republic. Planning the new Chinese national capital. Legislation under the Chinese national government. The Chinese civil service. Judicial administration in China. *Editor*. Chinese Soc. and Pol. Sci. Rev. July, Oct., 1930.

———. China: a plea for good will. *W. E. Leveson*. Contemp. Rev. Dec., 1930.

———. The strength of communism in China. *Edgar Snow and Reginald E. Sweetland*. Current Hist. Jan., 1931.

———. Kuomintang and liberty. *Par Kung-chan*. Pacific Affairs. Jan., 1931.

———. Communism in China. P. The Chinese as a fighting man. *John Magruder*. For. Affairs. Jan., Apr., 1931.

- . "For ways that are dark." *J. O. P. Bland*. *English Rev.* Feb., 1931.
- . Complicated China. *Samuel G. Blythe*. *Sat. Eve. Post.* Feb. 14, 1931.
- . The westernizing of China. *Græver Clark*. *Scribner's*. Mar., 1931.
- Cuba.** La moneda cubano y los problemas económicos. *A. G. Hernandez*. *Rev. Bimestre Cubana*. Jan.-Feb., 1931.
- . The Cuban tangle. *O. R. Strackbein*. *N. Am. Rev.* Feb., 1931.
- Egypt.** Legal administration in Egypt. *M. S. Amos*. *Jour. Comp. Legis. and Int. Law*. Nov., 1930.
- . Egypt: a decade of political development. *Elizabeth P. MacCallum*. *For. Pol. Assoc. Inf. Service*. Jan. 7, 1931.
- . Constitutionalism in Egypt. *Arthur Merton*. *Contemp. Rev.* Jan., 1931.
- France.** La lutte contre la mortalité infantile et l'assistance publique de Paris. *Georges Daurant*. La république: la constitution de 1875 et sa revision. *Fr. Roussel-Despierre*. *Nouvelle Rev.* JAN. 1, 15, 1931.
- . Liability in damages under French administrative law. *Louis Trotabas*. *Jour. Comp. Legis. and Int. Law*. Feb., Nov., 1930.
- . Théorie générale des contrats de l'administration. IV. *M. Gaston Jèze*. Théorie de l'imprévision dans les contrats administratifs. *Rev. Droit Pub. et Sci. Pol.* Oct., Dec., 1930.
- . The administrative law of France. *Pierre Crabitès*. *Am. Bar Assoc. Jour.* Feb., 1931.
- . Après la chute du cabinet Tardieu. *P.-Ét. Flandin*. *Rev. Paris*. Jan. 15, 1931.
- . Le projets de conversion devant les leçons du passé. *Joseph Barthélemy*. Les fonctionnaires, le budget, et les retraites. *Pierre de Pressac*. Les sociétés "mères," leurs filiales et la taxe sur le revenu. *Gustave George*. *Rev. Pol. et Parl.* Jan., Feb., 1931.
- . Le gouvernement français a la veille de la guerre. *Joseph Noulens*. *Rev. Deux Mondes*. Feb. 1, 1931.
- . Two years of the French air ministry. *J. J. Ide*. *Nine. Cent.* Feb., 1931.
- . Ministerial instability in France. *Lindsay Rogers*. *Pol. Sci. Quar.* Mar., 1931.
- Germany.** Restauration der Habsburger? *O. F. de Battaglia*. Soll Deutschland Kündigen. *A. Mendelssohn Bartholdy*. *Europäische Gespräche*. Nov., Dec. 1930.
- . Über die wissenschaftliche Bedeutung der Parteigeschichte. *Justus Hasen*. *Zeitschrift gesamte Staatswissenschaft*. Jan., 1931.
- . How Germany can be saved. *Pierre Cot*. *Liv. Age*. Jan., 1931.
- . Zur politischen Situation in Deutschland. *Carl Schmitt*. *Kunstwart*. Jan., 1931.
- . The Hitler movement in Germany. *Mildred S. Wertheimer*. *For. Pol. Assoc. Inf. Service*. Jan. 21, 1931.
- . Staatsbürgerliche Erziehung. *Anna Siemsen*. Arbeitszeitverkürzung und Lohnausgleich durch sparte Arbeitslosenunterstützung. *R. Wissell*.

- Zuruch zur Politik. *C. Severing*. Sozialistische Monatshefte. Jan., Feb., 1931.
- . Germany's economic pligh. *Sir Philip Dawson*. Stability of the German republic. *Georg Berrhard*. Current Hist. Jan., Mar., 1931.
- . On the German front. *Oswald Garrison Villard*. Unemployment relief in Germany. *Otto Brok*. Nation. Jan. 14, Mar., 1931.
- . Germany in upheaval. *Frank H. Simonds*. Rev. of Revs. Feb., 1931.
- . Germany: thunder on the right. *Mildred S. Wertheimer*. New Repub. Mar. 4, 1931.
- . Radical forces in Germany. *Erich Koch-Weser*. For. Affairs. Apr., 1931.
- Great Britain. Berufsbeamtentum in England. *F. M. Marx*. Zeitschrift gesamte Staatswissenschaft. Nov., 1930.
- . The "mystery" of the monarchy. *Sir John Marriott*. Green roots, dead boughs. *Augur*. Fort. Rev. Dec., 1930.
- . Retrospect on the British election. *Rodney L. Mott*. The socialist victory in Great Britain. *W. T. Morgan*. Southwestern Pol. and Soc. Sci. Quar. Dec., 1930.
- . A national economic policy. *Edgar Crammond*. Facilis decensus. *Ernest Remnant*. Proportional representation and the party machine. *E. V. Clark*. "Genuinely seeking work." *Trade unionist*. The hour and the man. *X* The liberal dilemma. *Sir Chas. Mallet*. What is wrong with our export trade? *Sir Arthur Balfour*. A revolution in railway fares. *Ernest Remnant* and *Herbert Birch*. Taxation and the land. *Nelson Roake*. English Rev. Dec., 1930, Jan., Feb., 1931.
- . Post-war unemployment. *Percy Alden*. Political parties and the national crisis. *Ramsay Muir*. The conduct of elections. *F. W. Raffety*. The rebuilding of England. *B. S. Townroe*. Contemp. Rev. Dec., 1930, Feb., 1931.
- . Recollections of a government whip. *Sir George L. Gower*. Cornhill Mag. Jan., 1931.
- . The importance of Stanley Baldwin. *Austin Hopkinson*. From referendum to free hand. *Richard Jebb*. Heredity and the house of lords. *Earl of Idlesleigh*. Electoral reform. *Sir Herbert Samuel*. Lottery bonds. *Harold Cox*. The twilight of the parties. *Stuart Hodgson*. Educational development and the new bill. *J. G. Legge*. Nine. Cent. Dec., 1930, Jan., Feb., 1931.
- . Mr. Simon's questions about free trade. *Ramsay Muir*. A reform bill for 1932. *Mrs. Sidney Webb*. Pol. Quar. Jan.-Mar., 1931.
- . British labor government: its successes and failures. *L. Haden Guest*. Winston Churchill: "gentleman adventurer." *Wickham Steed*. Current Hist. Jan., Mar., 1931.
- . Unemployment insurance system of Great Britain. Monthly Labor Rev. Feb., 1931.
- . Some effects of the English unemployment insurance acts on the number of unemployed relieved under the poor law. *Helen L. Witmer*. Quar. Jour. Econ. Feb., 1931.
- . Notes on English courts. *R. W. Montague*. Jour. Am. Judicature Soc. Feb., 1931.

- . England's controversy over the secret ballot. *Joseph H. Park*. *Pol. Sci. Quar.* Mar., 1931.
- . The English court of criminal appeal. *P. Howard*. *Am. Bar Assoc. Jour.* Mar., 1931.
- . England fights on. *Oswald Garrison Villard*. *Nation*. Mar. 11, 1931.
- . Lloyd George: the leader of British liberals. *Henry W. Levinson*. *For. Affairs*. Apr., 1931.
- Hungary. Le relèvement intérieur de la Hongrie (1920-1930). *Ernest Lemonon*. *Rev. Pol. et Parl.* Feb., 1931.
- India. Self-government in India. *G. E. Hubbard*. *Chinese Soc. and Pol. Sci. Rev.*, Oct., 1930.
- . Labor legislation in India. *R. K. Das*. *Int. Labour Rev.* Nov., 1930.
- . India: the supreme opportunity. *S. K. Ratcliffe*. *India and federation*. *Sir Lionel Haworth*. *Prospice: the new India*. *Cornelia Sorabji*. *Nine Cent.* Dec., 1930, Jan., Feb., 1931.
- . Lord Irwin's dispatch. *Stuart Hodgson*. *The Indian provincial system and the reforms*. *Sir Wm. Barton*. *Contemp. Rev.* Dec., 1930, Feb., 1931.
- . The Indian peasant strikes back. Can Indians govern India? *H. N. Brailsford*. *New Repub.* Dec., 31, 1930, Feb. 4, 1931.
- . India. *Haridas T. Muzumdar*, *Cornelia Sorabji*, *C. F. Andrews*, and *C. F. Strickland*. *For. Pol. Assoc. Pamphlet No. 70*, Series 1930-31 (Jan., 1931).
- . The problem of India. *Theodore Maynard*. *Catholic World*. Jan., 1931.
- . India—now. *H. N. Brailsford*. *Long live free India*. *J. Nehru*. *Liv. Age*. Jan., 1931.
- . The destiny of India. *Charles Johnston*. *India and nationalism*. *Lord Meston*. *Atlan.* M. Dec., 1930, Jan., 1931.
- . What next in India? *N. B. Pcrulekar*. *Survey*. Jan. 1, 1931.
- . L'Inde et la conférence de la "round table." *Major Cadagon*. *Rev. Mondiale*. Jan. 15, 1931.
- . Towards a greater India. The conference and after. *Earl Winterton*. *Fort. Rev.* Jan., Feb., 1931.
- . Living conditions of India's masses. *Charles F. Strickland*. *The round table conference on India*. *Edward Thompson*. *Britain's military problem in India*. *J. F. C. Fuller*. *Current Hist.* Jan., Mar., 1931.
- . Det indiske forfatnings problem. *C. A. Bodelsen*. *Gads Danske Mag.* Feb., 1931.
- . India—after the round table conference. *Sir Reginald Craddock*. *The Indian army and its future*. *Sir Claude Jacob*. *English Rev.* Feb., 1931.
- . India and the round table conference. *George Slacombe*. *Nation*. Feb. 18, 1931.
- Ireland. An outbreak of peace. *Pat*. *English Rev.* Jan., 1931.
- Italy. Fascist Italy's suppression of intellectual freedom. *C. H. Abod*. *Current Hist.* Jan., 1931.
- . The treaty-making power in fascist Italy. *H. Arthur Steiner*. *Am. Pol. Sci. Rev.* Feb., 1931.

- Japan. Privy council vs. cabinet in Japan. *Harold S. Quigley*. For. Affairs. Apr., 1931.
- Latin America. Qué es para nosotros Hispano-América? *Waldo Frank*. Rev. Bimestre Cubana. July-Oct., 1930.
- . South America in revolt. *Benjamin Crémieux*. Liv. Age. Dec., 1930.
- . The disturbances in South America, *W. A. Hirst*. Contemp. Rev. Dec., 1930.
- . Workmen's compensation legislation of the Latin American countries. Monthly Labor Rev. Feb., 1931.
- . Revolt in the tropics. *C. F. Westerberg*. N. Am. Rev. Mar., 1931.
- Lithuania. Les budgets de la république lithuanienne. *P. Jour. Économistes*. Nov., 1930.
- Mexico. Mexican federal highway construction. *P. K. Schuyler*. Am. City. Jan., 1931.
- . Mexico turns to fascist tactics. *Carleton Beals*. Nation. Jan. 28, 1931.
- . El fuero que dans las constituciones de los estados no comprende los delitos federales. *José Diego Fernández*. Rev. Gen. Derecho y Juris. Jan.-Mar., 1931.
- . Church and state in Mexico. *Abbé Alphonse Lugan*. Current Hist. Feb., 1931.
- Morocco. Le régime foncier au Maroc. *P. Louis Rivière*. Rev. Sci. Pol. Oct.-Dec., 1930.
- . Le budget du Maroc pour 1930. *G. du Nouvieu*. Jour. Économistes. Nov., 1930.
- . L'avenir du Maroc oriental. *XXX*. Rev. Pol. et Parl. Jan., 1931.
- Netherlands. Roadmaking in the Netherlands. *Charles L. Hoover*. Am. City. Jan., 1931.
- Norway. Norway moves toward the right. *Ben A. Arneson*. Am. Pol. Sci. Rev. Feb., 1931.
- Plural Voting. La législation des actions à vote plural. *R. Jour. Économistes*. Jan., 1931.
- Poland. Pologne. *J. Miklaszewski*. Jour. Économistes. Dec., 1930.
- Russia. The public law system of the sovietic dictatorship. *B. Mirkine-Guetzévitch*. Jour. Comp. Legis. and Int. Law. Nov., 1930.
- . Soviet of the high pastures. *Anna L. Strong*. Atlan. M. Dec., 1930.
- . The outlook for the five-year plan. *Samuel H. Cross*. Harvard Bus. Rev. Jan., 1931.
- . The riddle of Russia. *Lawrence Lyon*. Moscow trials and "war psychosis." *W. H. Hindle*. Nine Cent. Dec., 1930, Jan., 1931.
- . Behind the Moscow trial. *K. I. Gelfman*. Fort. Rev. Jan., 1931.
- . Russia and the five years' plan. *W. H. H. Waters*. Quar. Rev. Jan., 1931.
- . Deflation in Russia. *Wilm Stein*. On the job in Russia. *Ernst May*. Travelling in Russia. *Hans Siemsen*. Liv. Age. Jan., Feb., 1931.
- . The industrialization of Russia. *Maurice Mendelson and Henry D. Baker*. The reign-of-terror in the Ukraine. *Milton Wright*. Child welfare in soviet Russia. *Vera Edelstadt*. Current Hist. Jan., Feb., Mar., 1931.

- . The Moscow trial. Will the five-year plan succeed? *Louis Fischer*. Nation. Jan. 14, Feb. 4, 1931.
- . Russia and the world crisis. Balance sheet of the five-year plan. *William Henry Chamberlin*. New Repub. Feb. 18, 25, 1931.
- . Social conditions in soviet Russia. *William C. White, Maurice Hindus, and Marjorie Shuler*. For. Pol. Assoc. Pamphlet No. 72, Series 1930-31 (Mar., 1931).
- . Russia—the industrial laboratory. *Sam A. Lewisohn*. Pol. Sci. Quar. Mar., 1931.
- . American engineers in Russia. *Eve Garrette Grady*. Sat Eve. Post. Mar. 14, 1931.
- . A soviet satellite: outer Mongolia today. *I. I. Serebrennikow*. Labor under the soviets. *Poul Haensel*. For. Affairs. Apr., 1931.
- Spain. L'expérience monétaire espagnole. *Jean Weiller*. Rev. Econ. Int. Nov., 1930.
- . The aftermath of the Spanish dictatorship. *R. T. Desmond*. For. Affairs. Jan., 1931.
- . The outlook in Spain. *A. Fazonbona*. Contemp. Rev. Jan., 1931.
- . Upheaval in Spain. *Roman Frisch*. Liv. Age. Feb., 1931.
- . The old army game in Spain. *T. R. Ybarra*. Outlook. Mar. 4, 1931.
- Unemployment. Quelques reflexions sur le chômage. *P. Worms de Romilly*. Jour. Economistes. Jan., 1931.
- . Unemployment and the tariff fallacy. *Sir William Beveridge*. Fort. Rev. Feb., 1931.
- Uruguay. Social legislation in Uruguay. *I. P. Valdes*. Southwestern Pol. and Soc. Sci. Quar. Dec., 1930.

INTERNATIONAL RELATIONS

Books

- Andrews, Fannie Fern*. The holy land under mandate. 2 vols. Boston: Houghton Mifflin.
- Anon.* La politique extérieure de l'Allemagne 1870-1914. Vol. XI. Pp. 276 (Trans. by Georges Thierry.) Paris: Cestes.
- Anon.* La première décade de la société des nations. Pp. 160. Paris: Presses Universitaires.
- Anon.* Communication du gouvernement de Libéria en date du 15 décembre 1930, transmettant le rapport de la commission. Pp. 129. Paris: J. Gamber.
- Anon.* La juridiction de la cour permanente de justice internationale. Pp. 320. Paris: Libr. des Éditions Internationales.
- Anon.* Les flottes de combat 1931. Pp. 704. Paris: Soc. d'Édit Géographiques, Maritimes et Coloniales.
- Anon.* L'effort français en Afrique équatoriale française. Pp. 200. Paris: Le Sud-Ouest économique.
- Anon.* Les grands problèmes internationaux de l'heure présente. Pp. 250. Paris: Edit. Spes.

- Archer, W.* The great analysis: a plea for a rational world order. London: Williams & Norgate.
- Barnes, Harry Elmer.* Kriegsschuld und Deutschlands Zukunft. Pp. 111. Berlin: Arbeitsausschuss deutscher Verbände.
- Bartlett, V.* The world—our neighbor. Pp. 240. E. Mathews.
- Basdevant, S.* Les fonctionnaires internationaux. Pp. 326. Paris: Recueil Sirey.
- Beales, A. C. F.* A history of peace. Pp. 355. London: Bell.
- Bellairs, Carlyon.* The naval conference and after. London: Faber & Faber.
- Bentwich, Norman.* The mandates system. Pp. 211. N. Y.: Longmans.
- Berard, Victor.* Genève et les traités. 2 vols. Paris: A. Colin.
- Bonvalot, G.* Les avis consultatifs de la cour permanente de justice internationale. Pp. 128. Paris: Librairie générale de droit et de jurisprudence.
- Bouy, Raymond.* Le désarmement naval: la conférence de Londres. Pp. 288. Paris: Les Presses Universitaires.
- Bratt, K. A.* That next war? N. Y.: Harcourt, Brace & Co.
- Buell, Raymond Leslie.* American supervision of elections in Nicaragua. For: Pol. Assoc. Inf. Service. Dec. 24, 1930.
- Cestmir Jerabek.* Le monde en flammes. Pp. 300. Paris: Valois.
- Chew, Oswald.* La question des dettes inter-alliées. Pp. 413. Paris: Giard.
- Churchill, Winston S.* The world crisis. (New ed.) Pp. 878. N. Y.: Scribner's.
- Cohn, Josef.* England und Palästina. Pp. 327. Berlin: Vowinkel.
- Collings, Harry T.* Die Handelsbeziehungen zwischen den Vereinigten Staaten und Latein-Amerika. Leipzig: Deutsche Wissenschaft.
- D'Altora Colonna de Stigliaro, Prince.* Les soviets en Chine. Pp. 114. Paris: Desclée de Brouwer.
- Danjon, D.* Traité de droit maritime. Vol. V. Pp. 630. Paris: Recueil Sirey.
- Dombrowsky-Ramsay, N.* La morale humaine et la société des nations. Pp. 122. Paris: Alcan.
- Escher, Alfred.* Der Schutz der Staatsangehörigen in Ausland durch fremde Gesandtschaften und Konsulate. Pp. 101. Aarau: H. R. Sauerländer.
- Estevam de Moraes Sarmiento, José.* Causes déterminantes de la guerre mondiale. Pp. 391. Paris: Ferin, Torres.
- Feiling, Keith.* British foreign policy, 1660-1672. Pp. 397. N. Y.: Macmillan.
- Fleischer, Paul.* Moskau in Deutschland. Pp. vi+224. Berlin: G. Stilke.
- Giles, Helen F.* How the United States became a world power. Pp. 241. N. Y.: C. E. Merrill.
- Girard, Robert.* La situation des dominions britanniques en droit international. Pp. 146. Paris: Éci. et Publications Contemporaines.
- Gregory, J. D.* On the edge of diplomacy. Pp. 286. London: Hutchinson.
- Gribetz, Louis J.* The case for the Jews. N. Y.: Bloch Pub. Co.
- Grimm, Dr.* Vom Ruhrkrieg zur Rheinlandräumung. Pp. 254. Hamburg: Hanseatische Verlagsanstalt.
- Grotkopp, W.* Breaking down the tariff walls: ways leading to unification of European economics. (Trans. by E. Schadow.) Pp. 130. London: Benn.
- Hale, Oron J.* Germany and the diplomatic revolution: a study of diplomacy and the press, 1904-1906. Pp. 230. Philadelphia: Univ. of Pa. Press.

- Harley, John Eugene.* International understanding: agencies educating for a new world. Stanford Univ. Press.
- Hayes, Carlton J. H.* The historical evolution of modern nationalism. N. Y.: Richard R. Smith.
- Henley, Sir Thomas.* A Pacific cruise. Pp. 176. Sydney: John Sands.
- Hervé, Gustave.* La réconciliation ou la guerre. Paris: Édit. de la Victoire.
- Heyl, F. W.* Die Tätigkeit des internationalen Gerichtshofs 1922-1928 unter besonderer Würdigung der deutschen Minderheitenfrage in Polen. Pp. 110. Ochsenfurt a. Main: Fritz & Rappert.
- Iserloh, Rudolf.* Die Kontrolle des Völkerbundes über die B-Mandate. Pp. 162. Solingen-Wald: Fr. Knoche.
- Jones, Ethel L.* The spirit of Geneva. Pp. 122. London: Williams & Norgate.
- Katsch, Hellmut.* Regierung und Volksvertretung im Saargebiet. Pp. xv+173. Leipzig: Theodor Weicher.
- Korenitsch, Feodor.* L'article 10 du pacte de la société des nations. Pp. 210. Paris: Édit. et Publications Contemporaines.
- Kostoff, P.* Le moratoire de guerre. Pp. 220. Paris: Édit. Domat. Montchrestien.
- Laloy, Emile.* La guerre mondiale: ses origines et l'après-guerre d'après leurs principaux historiens. Pp. 722. Paris: C. Klincksieck.
- Lapradelle, A. de and Friboyer, J. P.* Répertoire de droit international. Vol. VIII. Pp. 706. Paris: Recueil Sirey.
- Lautz, Oskar von.* Das Rechtsproblem der Liquidierung des Saargebietes. Pp. 113. Saarbrücken: Druckerei C. Funcke.
- Leith, Charles Kenneth.* World minerals and world politics. Pp. 225. N. Y.: McGraw-Hill.
- Lewinsohn, Richard.* Das Geld in der Politik. Pp. 367. Berlin: S. Fischer.
- Loesch, Karl C. von, and Boehm, Max Hildebert.* Zehn Jahre Versailles. Pp. vii+450. Berlin: Brückenverlag.
- Lötschert, Hugo, and Schellberg, Wilhelm.* Der Völkerbund. Pp. 127. Köln: Gilde-Verlag.
- Lyde, L. W.* The continent of Europe. Pp. 456. London: Macmillan.
- Madariaga, Salvador de.* Americans. N. Y.: Oxford Univ. Press.
- Maestracci, N.* La Syrie contemporaine. Pp. 228. Paris: Charles-Lavauzelle.
- Maury, P.* La question des îles d'Aland. Pp. 209. Paris: Presses Universitaires.
- Meitani, R.* La protection des minorités, état actuel et vues d'avenir. Pp. 160. Paris: Presses modernes.
- Mirkine-Guetzevitch, B., et Scelle, Georges.* L'union européenne. Pp. 334. Paris: Delagrave.
- Moon, Parker Thomas, ed.* The Young plan in operation. Pp. xii+118. Proc. Acad. Pol. Sci. Jan., 1931.
- Moore, John Bassett, ed.* International adjudications, ancient and modern: history and documents. (Modern Series.) Vols. I-II. Pp. cxiii+513; xv+503. N. Y.: Oxford Univ. Press.
- Muir, Ramsay.* Political consequences of the great war. Pp. 251. N. Y.: Holt.
- Nicolson, Harold.* Portrait of a diplomatist: being the life of Sir Arthur

Nicolson and a study of the origin of the great war. Boston: Houghton Mifflin.
Payne, George Henry. England: her treatment of America. N. Y.: Sears.
Pomaret, Ch. L'Amérique à la conquête de l'Europe. Pp. 286. Paris: Colin.
Prendergast, Maurice, and Gibson, E. H. The German submarine war, 1914-18. N. Y.: Richard R. Smith.

Quartara, Giorgio. Les États-Unis d'Europe. Pp. 246. Paris: Les Oeuvres représentatives.

Rankin, Sir Reginald. The inner history of the Balkan war. Vols. 1 and 2. Pp. 352, 704. London: John Lane.

Redslob, R. Le principe des nationalités. Pp. 275. Paris: Recueil Sirey.

Ruziewicz, S. T. Le problème de l'émigration polonaise en Allemagne. Pp. 300. Paris: Recueil Sirey.

Samuel, Maurice. On the rim of the wilderness. N. Y.: Horace Liveright.

Scelle, G. L'organisation internationale du travail et le B. I. T. Pp. 333. Paris: Rivière.

Schätzle, Walter. Das deutsch-französische gemischte Schiedsgericht, seine Geschichte, Rechtsprechung u. Ergebnisse. Pp. 140. Berlin: Stilke.

Schneider, Wolfgang. Die völkerrechtliche Clausula rebus sic stantibus und Art. 19 der Völkerbundssatzung. Pp. 40. Berlin: Ferd. Dümmler Verlbh.

Stowell, Ellery C. International law; a restatement of principles in conformity with actual practice. Pp. 855. N. Y.: Holt.

Ströhle, Albert. Von Versailles bis zur Gegenwart. Pp. 118. Berlin: Zentralverl.

Strong, Richard Pearson, and Others. The African republic of Liberia and the Belgium Congo. 2 vols. Pp. 1095. Cambridge: Harvard Univ. Press.

Strunz, Johann. Der Völkerbund. Leipzig: Reclam.

Strupp, Karl. Éléments de droit international public. (2nd ed.) 3 vols. Paris: Libr. des Édit. Internationales.

Strupp, Karl. Deutsche materialien zur völkerrechtlichen Kodifikation des Staatsangehörigkeitsrechts. Stuttgart: Ausland & Heimat Verlags.

Stuart, Graham H. The international city of Tangier. Pp. 336. Stanford Univ.: Stanford Univ. Press.

Thaller and Percey. Traité élémentaire de droit commercial à l'exclusion du droit maritime. 2 vols. Pp. 1277. Paris: Rousseau.

Toynbee, Arnold J. Survey of international affairs, 1929. N. Y.: Oxford Univ. Press.

Trémand, H. La question des zones franches devant la cour permanente de justice internationale. Pp. 296. Paris: Recueil Sirey.

Tuttle, Florence Guertin. Alternatives to war. Pp. 282. N. Y.: Harper's.

Valet, H. Les restrictions à l'immigration. Pp. 226. Paris: Recueil Sirey.

Verhulst, Raf, and Hermans, Wac. The question of the Belgian francs-tireurs. Brugge: C. A. Geeraert.

Von Glaise-Horsienau, Edmund. The collapse of the Austro-Hungarian empire. (Trans. by I. F. D. Morrow.) N. Y.: Dutton.

Wallace, Benjamin B., and Edminster, Lynn R. International control of raw materials. Washington: Brookings Institution.

Warderholt, J. P. Das Minderheitenrecht in Oberschlesien. Pp. 451. Berlin: Brückenverlag.

Weber, Karl. Die Einwirkungen der Reparationen auf die Weltwirtschaft. Jena: Gustav Fischer.

Wheeler-Bennett, J. W., and Latimer, H. Information on the reparation settlement; being the background and history of the Young plan and the Hague agreements, 1929-30. Pp. 253. London: Allen & Unwin.

Wise, Stephen S. and Hays, Jacob de. The great betrayal. N. Y.: Brentano's.

Woods, W. S. Colossal blunders of the war. Pp. 274. London: Allen & Unwin.

Woog, Claude. La politique d'émigration de l'Italie. Pp. 392. Paris: Les Presses Universitaires.

Articles

Afghanistan. Zur Aussenpolitik Afghanistans unter Mohamed Nadir Schap Afghan. *Fritz Hesse.* Europäische Gespräche. Dec., 1930.

Africa. What Africa is not. *Grace Flandrau.* Contemp. Rev. Dec., 1930.

———. Principles of indirect rule in African administration. *Julian S. Huxley.* Nine. Cent. Dec., 1930.

Aggression. Financial assistance to states threatened with aggression. *P. C. Jessup.* Am. Jour. Int. Law. Jan., 1931.

Air Law. Does the Havana aerial convention fulfill a need? *L. C. Cassidy.* Air Law Rev. Jan., 1931.

———. A survey of international aviation. *Kenneth W. Colegrove.* The seadrome and international law. *R. W. Fixel.* Jour. of Air Law. Jan., 1931.

American Foreign Policy. The personal side of Swedish American relations. *J. B. Osborne.* Am. Scand. Rev. Feb., 1931.

———. American foreign trade, 1830-1930. *Henry Chalmers.* Current Hist. Feb., 1931.

———. America's stake abroad. *Max Winkler.* For. Pol. Assoc. Inf. Service. Feb. 4, 1931.

———. The United States and China. *Samuel G. Blythe.* Sat. Eve. Post. Mar. 14, 1931.

———. The American foreign service journal. *E. C. Stowell.* Am. Jour. Int. Law. Jan., 1931.

Anschluss. La crise morale autrichienne et le problème de l'anschluss. *Émile Escallier.* Feb., 1931.

Austria. Austria and world politics. *M. D. R. von Redlich.* Social Sci. Jan., 1931.

Backward Nations. The government of unfree peoples. *Sidney Mezes.* Southwest Rev. Winter, 1931.

Balkans. La première conférence balkanique. *Constantin Coukidis.* Rev. Pol. et Parl. Dec., 1930.

———. Le mythe du Locarno balkanique. *Nélia Pavlova.* Rev. Mondiale. Jan., 1931.

———. La première conférence balkanique. *Alex. Papanastasion.* L'Esprit Int. Jan., 1931.

———. Le relèvement de la Bulgarie et l'appoint de la S. D. N. *P. Kirov.* Rev. Econ. Int. Jan., 1931.

———. A projected federation of the Balkans. *J. M. Scammell*. *Current Hist.* Feb., 1931.

———. Greece and her neighbors. *William Miller*. *For. Affairs.* Apr., 1931.

Belgian Neutrality. Le scatti della neutralizzazione belga dopo la guerra ed i principi vigenti per la modificazione della costituzione della comunità internazionale. *Riv. Diritto Int.* July-Sept., Oct.-Dec., 1930.

British Foreign Policy. Great Britain and the Pacific. *S. A. Heald*. *Pacific Affairs.* Jan., 1931.

———. La politique étrangère du commonwealth des nations britanniques. *Charles K. Webster*. *L'Esprit Int.* Jan. 1931.

———. Great Britain and Argentina. *W. A. Hirst*. *For. Rev.* Jan., 1931.

———. Public opinion: the British press and foreign affairs. *Kingsley Martin*. *Pol. Quar.* Jan.-Mar. 1931.

Caribbean. Caribbean investments. *Will Payne*. *Sat. Eve. Post.* Jan., 3, 1931.

———. Revising our Caribbean policy. *Editor*. *New Repub.* Jan. 28, 1931.

China. The passing of extraterritoriality in China. *W. H. Mallory*. *For. Affairs.* Jan., 1931.

Claims. Fundamental principles governing international claims. *G. H. Hackworth*. *Am. Bar Assoc. Jour.* Mar., 1931.

———. L'interprétation administrative et les décisions jurisprudentielles en matière de dommages de guerre. *Georges Eadoux*. *Rev. Pol. et Parl.* Jan., 1931.

Consular Service. Extraterritorial powers of the consular office. *J. I. Puente*. *Calif. Law Rev.* Jan., 1931.

Czechoslovakia. Die Fortgestaltung des Nationalitätenrechtes in der Tschechoslowakei. *R. R. Deutsche Arbeit.* Jan., 1931.

Danzig. Città libera di Danzica può diventare membro dell'organizzazione internazionale de lavoro. *E. Nassart*. *Riv. Diritto Int.* Oct.-Dec., 1930.

Denial of Justice. Le déni de justice en droit international. *Rev. Droit Pub. et Sci. Pol.* Oct.-Dec., 1930

Depression. Lessons of the world depression. *Gustav Stolper*. *For. Affairs.* Jan., 1931.

———. The international implications of the business depression. *Raymond B. Fosdick*. *Int. Conciliation.* Feb., 1931.

Diplomacy. Staatsmänner und Diplomaten, VII: Lord D'Abernon. *Alfred Vagts*. *Europäische Gespräche* Nov., 1930.

———. Diplomacy old and new. *Sir Rennell Rodd*. *Liv. Age.* Feb., 1931.

Disarmament. What hope for disarmament? *W. T. Stone*. *Nation.* Dec. 31, 1930.

———. Un problème de politique navale. *Le Cour Grandmaison*. *Correspondant.* Feb. 10, 1931.

———. The draft treaty for the world disarmament conference. *William T. Stone*. *For. Pol. Assoc. Inf. Service.* Feb. 18, 1931.

———. Immediate problems of naval reduction. *Sir Herbert W. Richmond*. *For. Affairs.* Apr., 1931.

Egypt. Il nazionalismo Egiziano e l'Inghilterra. *Mario Pigli*. *Nuova Antologia.* Jan. 1, 1931.

———. The capitulations are in harmony with the present state of Egypt. *Pierre Crabites*. Tulane Law Rev. Feb., 1931.

Europe. L'équilibre économique européen. *M. Manculesco*. La politique commerciale en Europe centrale après la guerre. *Elemer Hantos*. La convention de rapprochement économique d'Oslo. *A. Mertens*. Rev. Écon. Int. Mov., 1930, Jan., 1931.

———. Uneasy Europe. *W. Allison Phillips*. Whither Europe—the political outlook. *C. F. Melville*. Fort. Rev. Dec., 1930, Jan., 1931.

———. Foreign affairs. *George Glasgow*. Contemp. Rev. Dec., 1930, Jan., Feb., 1931.

———. The cigarette in Europe's powder house. *R. W. Kauffman*. N. Am. Rev. Jan., 1931.

———. What of 1931 in Europe? *Frank H. Simonds*. Rev. of Revs. Jan., 1931.

———. Die Gestaltung der wirtschaftlichen Machtverhältnisse in Mitteleuropa. *Hans Bayer*. Zeitschrift gesamte Staatswissenschaft. Jan., 1931.

———. Europe lining up for war. *Herry Kittredge Norton*. Outlook. Jan. 21, 1931.

———. Europe. A continent in travail. *William Martin*. Atlan M. Feb., 1931.

———. Is the cannon-fodder ripe? *George Seldes*. Scribner's. Feb., 1931.

———. Toward peace or war? *Raymond Leslie Buell*. Forum. Mar., 1931.

———. Youth turns to war. *George Seldes*. Harper's. Mar., 1931.

European Federation. Le projet d'union européenne et la société des nations. *Nicolas Politis*. La crise économique mondiale et le projet d'union européenne. *Orestes Ferrara*. Rev. Droit Int. Sci. Dipl. et Pol. July-Sept., 1930.

———. The pan-European problem. *Hjalmar Schacht*. Yale Rev. Winter, 1931.

———. European federal union: replies to M. Briand's memorandum. Int. Conciliation. Dec., 1930.

———. L'idée d'une fédération européenne. *Alfred Zimmer*. L'Esprit Int. Jan., 1931.

———. The united states of Europe. *D. Woodruff*. Dublin Rev. Jan., 1931.

———. L'unione federale europae. *Carlo Schanzer*. Nuova Antologia. Feb. 1, 1931.

———. Federation européenne. *G. Bruzel*. Rev. Mondiale. Feb. 1, 1931.

Foreign Loans. Les emprunts étrangers. *Alberto de' Stefani*. Rev. Écon. Int. Jan., 1931.

———. Foreign bondholders and the repudiated debts of the southern states. *Bessie C. Randolph*. Am. Jour. Int. Law. Jan., 1931.

———. When nations don't pay up. *Freeman Tilden*. World's Work. Feb., 1931.

Franco-Italian Relations. France and Italy. *Louis Aubert*. For. Affairs. Jan., 1931.

Germany. Die deutsch-polnischen Beziehungen. Deutsche Arbeit. Dec., 1930.

———. The permanent bases of German foreign policy. *Richard von Kuhlmann*. For. Affairs. Jan., 1931.

———. *Schwankung oder Schwenkung?* Richard Kleineibst. Sozialistische Monatshefte. Feb., 1931.

Hague Conventions. Present status of the Hague conventions of 1899 and 1907. Manley O. Hudson. Am. Jour. Int. Law. Jan., 1931.

Imperialism. Aspecto positivo del imperialismo económico. James Bergson. La evolución de la política de los E. U. hacia la América. Raymond Leslie Buell. Rev. Bimestre Cubana. Nov.-Dec., 1930.

Intellectual Relations. Value of intellectual relations between nations. Henry E. Hazo. Quar. Jour. Univ. N. D. Fall, 1930.

Inter-American Relations. The fourth pan-American commercial conference. William Manger. Bull. Pan. Am. Union. Feb., 1931.

———. Is America a menace? Carlitor Beals. Scribner's. Mar., 1931.

———. The United States and the other American republics. Henry L. Stimson. For. Affairs. (Supp.) Apr., 1931.

International Finance. The silver problem. Herbert B. Elliston. For. Affairs. Apr., 1931.

———. The international unification of laws concerning bills of exchange. Manley O. Hudson and A. H. Feller. Harvard Law Rev. Jan., 1931.

International Law. International law: old wine in new bottles. H. F. Wright. Catholic World. Jan., 1931.

———. New York conference of the international law association. A. K. Kuhn. Am. Jour. Int. Law. Jan., 1931.

International Road Congresses. Permanent international association of road congresses. G. G. Wilson. Am. Jour. Int. Law. Jan., 1931.

Italy. Does Italy want war? J. J. Vigne. Liv. Age. Jan., 1931.

———. La diplomatie italienne. Roger Labrousse. Correspondant. Jan. 10, 25, 1931.

———. Mussolini's battle of wheat. Gastano Salvemini. Pol. Sci. Quar. Mar., 1931.

Japan. Japan in the modern world. Yusuke Tsurumi. For. Affairs. Jan., 1931.

———. Japan and her neighbors. Samuel McCune Lindsay. Rev. of Revs. Mar., 1931.

League of Nations. Quelques problemes dominant les débats de la dernière assemblée de la société des nations. Paul Hyman. Rev. Droit. Int. Sci. Dipl. et Pol. July-Sept., 1930.

———. Il problema della guerra lesita nel diritto internazionale comune e nell'ordinamento della società delle nazioni. G. Ballardore-Pallieri. Rev. Diritto Int. July-Sept., Oct.-Dec., 1930.

———. The United States and the league of nations. VI. The treaty fight in the senate. VII. The league as a political issue. VIII. The campaign of 1920. IX. The republican proposal for an association of nations. X. The period of non-recognition. XI. The period of unofficial recognition. XII. The period of official coöperation. Clarence A. Berdahl. League of Nations Chronicle. July, Aug.-Sept., Oct., Nov., Dec., 1930; Jan., Feb., Mar., 1931.

———. La XI^e assemblée de la S. D. N. Georges Scelle. Rev. Pol. et Parl. July, Dec., 1930.

———. Les vues d'avenir du comité financier de la société des nations. *Édouard Payen*. Jour. Économistes. Nov., 1930.

———. Americans in Geneva. *Pitman B. Potter*. Southwest Rev. Winter, 1931.

———. The league of nations assembly in action. *Clarence K. Streit*. Current Hist. Jan., 1931.

———. The Latin-American problem in the league of nations. *C. W. Jenks*. Contemp. Rev. Feb., 1931.

———. Permanent delegations to the league of nations. *Pitman B. Potter*. Am. Pol. Sci. Rev. Feb., 1931.

Manchuria. Political aspects of the Japanese railway enterprises in Manchuria. *Lin T'ung-Chi*. Chinese tariff concessions to the Chinese eastern railway. *Kuo Ti-Chan*. Chinese Soc. and Pol. Sci. Rev. July, Oct., 1930.

Mandates. The permanent mandates commission and the administration of mandates. *S. D. Myers, Jr.* Southwestern Pol. and Soc. Sci. Quar. Dec., 1930.

———. Le statut organique des états du levant. *Jean Lapierre*. Rev. Gén. Droit Int. Pub. Nov.-Dec., 1930.

———. Iraq: a British preserve. *David W. Wainhouse*. Nation. Jan. 7, 1931.

———. The Japanese mandate in the South Pacific. *K. Yamasaki*. Pacific Affairs. Feb., 1931.

Martial Law. Use of aircraft during martial law. *R. W. Fixel*. Air Law Rev. Jan., 1931.

Minorities. Die völkerrechtliche Begründung der Minderheitenverträge. *H. Raschhoffer*. Minderheitenproblem und Anschlussfrage. *Camillo Morocutti*. Deutsche Arbeit. Nov., Dec., 1930.

———. Poland's reign of terror. *Mary Sheepshanks*. Liv. Age. Feb., 1931.

———. Les tendances actuelles du mouvement minoritaire. *André Tibal*. L'Esprit Int. Jan., 1931.

Nicaragua. Nicaragua: in again, out again. *Lawrence Dennis*. For. Affairs. Apr., 1931.

Oil. Minerals and international relations. *Sir Thomas H. Holland*. Int. Conciliation. Jan., 1931.

———. La politique française du pétrole. I. Un coup d'œil en arrière. II. De quelques contre vérités. *François Lescazes*. Nouvelle Rev. Jan. 15, Feb. 1, 1931.

Pacific. Pacific items. *Editor*. Jan., Feb., 1931.

Palestine. The Palestine problem. *H. C. Woods*. Contemp. Rev. Dec., 1930.

———. Policy in Palestine. *Freda White*. Nine. Cent. Dec., 1930.

———. The future of Palestine. *G. T. Garratt*. Pol. Quar. Jan.-Mar., 1931.

———. The Palestine situation restated. *Felix Frankfurter*. For. Affairs. Apr., 1931.

Passport. The passport question. *Egidio Reale*. For. Affairs. Apr., 1931.

Persia. La politique étrangère de la Perse. *L. Van Vassenhove*. Rev. Pol. et Parl. Dec., 1930.

Poland. Poland courts a new war. *Mauritz A. Hallgren*. Nation. Jan. 21, 1931.

———. A visit to the Polish corridor. *Frank H. Simonds*. Rev. of Revs. Mar., 1931.

Prisoners of War. Code des prisonniers de guerre. *Gustave Rasmussen*. Rév. Droit Int. Sci. Dip. et Pol. July-Sept., 1930.

Public Opinion. Public opinion and foreign policy. *Elihu Root*. For. Affairs. Jan., 1931 (Spec. Supp.).

Reparations. Final liquidation of German war reparations. *C. P. Anderson*. The German ship claims. *E. M. Borchard*. Am. Jour. Int. Law. Jan., 1931.

———. Die deutsche Wirtschaft unter dem Youngplan. *Max Haller*. Deutsche Rundschau. Jan., 1931.

———. Can Germany pay? *Oswald Garrison Villard*. Nation. Jan. 28, 1931.

———. The economic consequences of reparations. *Guy Greer*. Independent. Feb. 18, 1931.

———. Eine Amerikanische Reparations-Leistung. *A. Mendelssohn-Bartholdy*. Amerika Post. Heft I, 1931.

Responsibility of States. The codification of the responsibility of states. *M. M. Whiteman*. N. Y. Univ. Law Quar. Rev. Dec., 1930.

Revision of Treaties. Revision? *Walter Maas*. Sozialistische Monatshefte. Jan., 1931.

———. Versailles treaty revision under discussion. *Gerhard Hirschfeld*. Current Hist. Jan., 1931.

———. La révision des traités est-elle nécessaire? *Clyde Eagleton*. L'Esprit Int. Jan., 1931.

Revolution. Revolution, recognition, and intervention. *Lawrence Dennis*. Revolution in South America. *Clarence H. Haring*. For. Affairs. Jan., 1931.

Rhine. The ordeal of the Rhineland. *Herbert Eulenberg*. Current Hist. Feb., 1931.

Russia. Russlands Weg in das Lager der Entente. *Paul Ostwald*. Europäische Gespräche. Dec., 1930.

———. The pros and cons of soviet recognition. *Paul D. Cravath*. For. Affairs. Jan., 1931.

———. The Franco-British plot to dismember Russia. *Leonid I. Strakhovsky*. Current Hist. Mar., 1931.

Saar. La Sarre et la paix. *Comte de Fels*. Rev. Paris. Jan. 15, 1931.

———. Frankreichs Werke um das Saargebiet. *H. Klinkenberg*. Deutsche Arbeit. Jan., 1931.

———. La question de la Sarre. *Jacques Maupas*. Correspondant. Feb. 10, 1931.

Slavery. Slavery and forced labor. *Frymond Leslie Buell*. Nation. Dec. 24, 1930.

———. Slavery in the modern manner. *Alain Locke*. Survey. Mar. 1, 1931.

State Immunity. Suits against foreign states. *J. Y. Brinton*. Procedure in cases involving immunity of foreign states in courts of the United States. *A. H. Feller*. Am. Jour. Int. Law. Jan., 1931.

Tangier. La zona di Tangeri nel diritto internazionale e nel diritto marocchino. *C. Baldoni*. Riv. Diritto Int. July-Sept., Oct.-Dec., 1930.

Tariff. After tariffs, embargoes. *Herbert Feis*. For. Affairs. Apr., 1931.

Treaties. Die Meistbegünstigung in der Handelsverträgen im Wandel der

Zeiten. *Josef Kulischer*. Zeitschrift gesamte Staatswissenschaft. Nov., 1930.

Turko-Greek Relations. The Turko-Greek rapprochement. *J. W. Collins*. Contemp. Rev. Feb., 1931.

Vatican. Zur Lösung der römischen Frage. *Z. Giacometti*. Zeitschrift gesamte Staatswissenschaft. Jan., 1931.

Warfare. Les positions et les bases dans la guerre navale. *Amiral Castex*. Rev. Sci. Pol. Oct.-Dec., 1930.

———. Bombardements et protection des populations civiles. *Marcel Sibert*. Rev. Gén. Droit Int. Pub. Nov.-Dec., 1930.

———. Armee und Krieg. *Léo Trotzki*. Neue Rundschau. Feb., 1931.

———. New developments in warfare. *C. P. Summerall*. Coast Artillery Jour. Feb., 1931.

War Guilt. Fair play! a plea for an international war-guilt forum. *Hans Draeger*. Hamburg Amerika Post. Heft I., 1931.

West Indies. Dutch problems in the West Indies. *Amry Vandenbosch*. For. Affairs. Jan., 1931.

Wireless. The juridical congress on wireless telegraphy at Liège. *J. W. Guider*. Air Law Rev. Jan., 1931.

———. The Liège congress of the international committee on wireless telegraphy. *J. W. Guider*. Jour. Air Law. Jan., 1931.

World Court. The revision of the statute of the world court. *Manley O. Hudson*. For. Affairs. Jan., 1931.

———. The ninth year of the permanent court of international justice. *Manley O. Hudson*. Am. Jour. Int. Law. Jan., 1931.

———. Nature of the world court's jurisdiction. *Manley O. Hudson*. Am. Bar. Assoc. Jour. Mar., 1931.

World War. Violations of maritime law by the allied powers during the world war. *James W. Garner*. Am. Jour. Int. Law. Jan., 1931.

———. The coming of the war. *Harold Temperley*. For. Affairs. Jan., 1931.

———. Diplomatic background of America's entry into the war. *Charles Seymour*. Current Hist. Jan., 1931.

JURISPRUDENCE

Books

Angelesco, Alexandre C. La technique législative en matière de codification civile. Pp. 856. Paris: E. de Boccard.

Bousquet, M. Des servitudes de droit administratif. Pp. 250. Paris: E. Thézard et fils.

Bryant, Margaret M. English in the law courts: the part that articles, prepositions, and conjunctions play in legal decisions. Pp. 322. N. Y.: Columbia Univ. Press.

Burns, Walter Noble. The one-way rice: the red trail of Chicago gangland from prohibition to Jake Lingle. Pp. 313. Garden City: Doubleday, Doran.

Calvert, E. Roy. The death penalty enquiry. Being a review of the evidence before the select committee on capital punishment, 1930. Pp. 116. London: Gollancz.

Ciselet, Georgette. La femme, ses droits, ses devoirs, et ses revendications. Pp. 221. Bruxelles: L'Eglantine.

Fuller, Hugh N., and Otters. Criminal justice in Virginia. (Univ. of Va. Institute for Research in the Social Sciences.) N. Y.: Century Co.

Goodhart, A. L. Essays in jurisprudence and the common law. Pp. 296. London: Cambridge Univ. Press.

Kirkpatrick, Robert E. Practical treatise on Belgian law, its application to British subjects. Pp. 359. London: Sweet & Maxwell.

Mary, Raoul. Contribution à l'étude de la condition juridique. Pp. 140. Paris: Les Presses Universitaires.

Mullins, C. In quest of justice. Pp. 143. London: Murray.

Néard, Henry. Elements de droit public. Pp. 492. Paris: Rousseau.

Salmond, Sir John. Jurisprudence. (8th ed. by C. A. W. Manning.) Pp. xviii+580. London: Sweet & Maxwell.

Valeur, Robert. La responsabilité pénale des personnes morales dans les droits français et anglo-américains. Pp. 256. Paris: Giard.

Villard, Henri. Le contrôle de l'expertise judiciaire en matière pénale. Paris: Libr. Gén. de Droit et de Jurisprudence.

Wilson, M. The crime of punishment. Pp. 320. London: Cape.

Zarnow, Gottfried. Gefesselte Justiz. Pp. 187. München: J. F. Lehmann.

Articles

Administration of Justice. Recent steps in law administration. *Leon Green.* Jour. Am. Judicature Soc. Dec., 1930.

———. A brief outline of some of the principal differences between the Canadian and American systems of the administration of justice. *H. A. Bergman.* Dakota Law Rev. Dec., 1930.

———. Some suggestions for improving the administration of justice in Oregon. *Portland City Club.* Ore. Law Rev. Feb., 1931.

———. Lay encroachment. *C. A. Beardsley.* Am. Bar Assoc. Jour. Mar., 1931.

Advisory Opinions. Administrative consultation of the judiciary. *C. K. Allen.* A reply. *E. C. S. Wad.* Law Quar. Rev. Jan., 1931.

Bar. The public and the bar. *E. O. Immel.* Some phases of the work of the American bar association. *J. F. Ailshie.* Ore. Law Rev. Dec., 1930.

———. Requirements for admission to the bar in Tennessee. *H. B. Witham.* Regarding requirements for admission to the bar. *H. Nace.* Tenn. Law Rev. Dec., 1930, Feb., 1931.

———. Admission to the New York bar. *W. D. Guthrie.* Am. Bar Assoc. Jour. Jan., 1931.

Baumes Law. Habitual criminal legislation—the "Baumes law" decision. *Leonard Rowe.* Cincinnati Law Rev. Nov., 1930.

Codification. Written and unwritten law. *Samuel Williston.* Am. Bar Assoc. Jour. Jan., 1931.

———. La codification du droit civil au Brésil. *Rodrigo Octavio.* Rev. Trim. Droit Civil. No. 3, 4, 1930.

Common Law. Some differences between the common law and that of the province of Quebec. *F. J. Lavery.* Canadian Bar Rev. Jan., 1931.

- Comparative Law.** Sir John Macdonnell and the study of comparative law. *H. J. Randall*. Jour. Comp. Legis. and Int. Law. Nov., 1930.
- . The revival of comparative law. *Roscoe Pound*. Tulane Law Rev. Dec., 1930.
- Conflict of Laws.** The jurisdiction of sovereign states and the conflict of laws. *W. W. Cook*. Columbia Law Rev. Mar., 1931.
- . Constitutional restraints on state freedom of action in conflict of laws cases. *Yale Law Jour.* Dec., 1930.
- . Amerikanisches Recht vor den englischen Gerichten. *Magdalene Schoch*. Hamburg-Amerika-Post. Heft I, 1931.
- Crime.** Migratoriness and criminality in Buffalo. *Niles Carpenter* and *W. H. Haenszel*. Social Forces. Dec., 1930.
- . Methods of scientific crime detection as infringements of personal rights. *Note Editor*. Harvard Law Rev. Mar., 1931.
- . Some methods of preventing crime. *William Lewis Butcher*. Pub. Management. Mar., 1931.
- . Is our judicial system responsible for our crime condition? *A. E. Clark*. Ore. Law Rev. Dec., 1930.
- Criminal Justice.** Crime and criminal justice. *E. R. Stevens*. A study of unsolved murders in Wisconsin from 1924-1928. *Max Stern*. The criminal feeble-minded. *F. C. Richmond*. Jour. Crim. Law and Crim. Nov., 1930, Feb., 1931.
- . Survey of the administration of criminal justice in Oregon—preliminary report. *W. L. Morse* and *R. H. Beattie*. Commonwealth Rev. Jan., 1931.
- . The recommendations of the Minnesota crime commission as viewed in 1930. *Wilbur H. Cherry*. Minn. Municipalities. Jan., 1931.
- . Nemesis runs amuck. *Mitchell Dawson*. Am. Mercury. Mar., 1931.
- Declaratory Judgment.** The uniform declaratory judgments act in Pennsylvania; *C. R. Iobatz*. Dickinson Law Rev. Jan., 1931.
- . The declaratory judgment. *C. S. Polls*. Tex. Law Rev. Feb., 1931.
- . The declaratory judgment in the United States. *Edwin M. Borchard*. W. Va. Law Quar. Feb., 1931.
- Delinquency.** Juvenile delinquency. *F. V. Harper* and *J. M. Reinhardt*. Quar. Jour. Univ. N. D. Fall, 1930.
- Dicey.** A modern review of Dicey's "Law of the Constitution." *H. G. Hanbury*. Bell Yard. Nov., 1930.
- Equity.** The origin of equity. VI. *C. A. Keigwin*. Georgetown Law Rev. Jan., 1931.
- Grand Jury.** A survey of the grand jury. *W. L. Morse*. Ore. Law Rev. Feb., 1931.
- Indeterminate Sentence.** The Norwood law and its effect upon the penal problem in Ohio. *S. A. Kramer*. Jour. Crim. Law and Crim. Feb., 1931.
- Indictment.** The initiation of criminal prosecutions by indictment or information. *Raymond Maley*. Mich. Law Rev. Feb., 1931.
- Judge.** The strangled judge. *G. M. Hogan*. In the seats of the mighty. *W. N. Cohen*. Jour. Am. Judicature Soc. Dec., 1930.
- Judicial Process.** Law and the modern mind: a symposium. *K. N. Llewellyn*, *M. J. Adler*, and *W. W. Cook*. Columbia Law Rev. Jan., 1931.

———. The present supreme court, social legislation, and the judicial process. *J. B. Fordham*. *W. Va. Law Quar.* Feb., 1931.

———. The rebel on the bench. *J. P. Pollard*. *N. Am. Rev.* Mar., 1931.

Jurisprudence. Jurisprudence—what and why? *C. K. Allen*. *Jurid. Rev.* Dec., 1930.

———. The call for a realist jurisprudence. *Roscoe Pound*. *Harvard Law Rev.* Mar., 1931.

Jury. Proposed jury changes in criminal cases. *R. M. Perkins*. *Ia. Law Rev.*, Dec., 1930.

———. Trying criminal cases without juries in Maryland. *Eli Frank*. *Va. Law Rev.* Jan., 1931.

———. Trial by jury—is it doomed? *J. H. S. Fifoot*. *Fort. Rev.* Jan., 1931.

———. Federal judges and juries. *T. W. Shelton*. *Lawyer and Banker*. Jan.,-Feb., 1931.

———. Should trial by jury be abolished. *T. G. Long*. *Jour. Am. Judicature Soc.* Feb., 1931.

Justice of the Peace. Our justice of the peace courts—a problem in justice. *R. S. Keebler*. *Tenn. Law Rev.* Dec., 1930.

Juvenile Court. The juvenile court as a possible administrative body. *G. E. Stamm*. *St. Louis Law Rev.* Dec., 1930.

———. Mental factors of particular importance for juvenile court consideration. *H. W. Crane*. *Social Forces*. Dec., 1930.

———. Standards for juvenile court and probation work. *Louise Franklin Bache*. *Pub. Management*. Mar., 1931.

Law. What is law? *M. E. Culver*. *Conn. Bar Jour.* Oct., 1930.

———. Law and the state. *A. L. Goodhart*. *Law Quar. Rev.* Jan., 1931.

———. Law and anthropology. *Huntington Cairns*. *Columbia Law Rev.* Jan., 1931.

———. The study and the practice of law. *Simeon S. Willis*. *Ky. Law Jour.* Mar., 1931.

———. King's law and local custom in seventeenth century New England. *Julius Goebel, Jr.* *Columbia Law Rev.* Mar., 1931.

Law Enforcement. Coöperation in enforcement of law. *Roscoe Pound*. *Am. Bar Assoc. Jour.* Jan., 1931.

———. Coördinating law enforcement agencies. *Floyd B. Olson*. *Minn. Municipalities*. Jan., 1931.

———. I am the law. *R. G. Knott*. *Cutlook*. Jan. 7, 1931.

———. Some recent methods of harrassing the habitual criminal. *C. V. Eimbeck*. *St. Louis Law Rev.* Feb., 1931.

———. State-wide broadcasting system promotes crime control. *Oscar G. Olander*. *Am. City*. Feb., 1931.

Legal Aid. Administrative problems of the legal aid clinic. *J. S. Bradway*. *South. Calif. Law Rev.* Dec., 1930.

———. The legal aid clinic—a means of coördinating the legal profession. *J. S. Bradway*. *Pa. Law Rev.* Mar., 1931.

Legal Concepts. Nature juridique des choses publiques. *M. N. K. Iskrow*. *Rev. Droit Pub. et Sci. Pol.* Oct., Dec., 1930.

———. Legal fictions. *Lon L. Fuller*. Ill. Law Rev. Dec., 1930, Jan., Feb., 1931.

———. Legal duties. *C. K. Allen*. Yale Law Jour. Jan., 1931.

———. Equidad y principios generales de derecho. *Mario Rotondi*. Rev. Gen. Derecho y Juris. Jan., Mar., 1931.

Legal Education. Law and the university. *Benjamin N. Cardozo*. Law Quar. Rev. Jan., 1931.

———. Changing objectives in legal education. *Roscoe B. Turner*. Yale Law Jour. Feb., 1931.

———. Legal education and the law school curriculum. *John Dickinson*. Pa. Law Rev. Feb., 1931.

———. The social sciences and the law curriculum. *C. M. Updegraff*. Ill. Law Rev. Mar., 1931.

Louisiana Code. The French language and the Louisiana lawyer. *S. L. Herold*. Tulane Law Rev. Feb., 1931.

Marshall. John Marshall. *J. F. Lewis*. Law Notes. Dec., 1930.

Natural Law. The natural law background of due process. *J. A. C. Grant*. Columbia Law Rev. Jan., 1931.

Philosophy of Law. A propos de philosophie du droit et d'ouvrages d'introduction à la science du droit. *M. Tassili*. Rev. Gén. Droit Légis. et Juris. July, -Sept., 1930.

———. La philosophie du droit en Amérique. *M. W. Patterson*. Rev. Trim. Droit Civil. No. 4, 1930.

———. Scientific method and the law. *Max Radin*. Calif. Law Rev. Jan., 1931.

———. Modern discussions of the aims and methods of legal science. *J. W. Jones*. Law Quar. Rev. Jan., 1931.

———. The legal philosophy of Justices Holmes and Brandeis. *Walton Hale Hamilton*. Current Hist. Feb., 1931.

Prisons. Prison tendencies in Europe. *Thorstein Sellin*. Tenth international prison conference. *F. E. Lyon*. Jour. Crim. Law and Crim. Feb., 1931.

———. It isn't paradise, but—. *A. H. Hinshaw*. World's Work. Mar., 1931.

———. The prison of the future. *Sanford Bates*. Agenda. Mar., 1931.

Procedure. The drama of English procedure. *T. W. Shelton*. Va. Law Rev. Jan., 1931.

———. The new Michigan court rules. *E. R. Sunderland*. Mich. Law Rev. Mar., 1931.

Psychiatry. Psychiatrists in court. *I. M. Hussey*. Am. Mercury. Mar., 1931.

Public Defender. The public defender in the municipal courts of Columbus. *F. R. Aumann*. Jour. Crim. Law and Crim. Nov., 1930.

Racketeering. The rise of a racketeer. *L. W. Hunt*. Gangland invades the provinces. *R. F. Lynn*. Outlook. Dec. 10, 1930, Feb. 11, 1931.

———. The underworld—a stultified conscience. *Walter Lippmann*. Making war on the gangs—a plan to take the police out of politics. *Smedley D. Butler*. Forum. Feb., Mar., 1931.

———. How to wreck Capone's gang. *Robert I. Randolph*. Collier's. Mar. 7, 1931.

———. Roman law. The reception of Roman law. *C. S. Lobinger*. National Univ. Law Rev. Jan., 1931.

———. Sociological jurisprudence. Roscoe Pound and sociological jurisprudence. *Walter Pollak*. So. African Law Jour. Aug., Nov., 1930.

———. Socialization of the law. *R. N. Wilkin*. A university view of law and the social order. *James E. Angell*. Am. Bar Assoc. Jour. Feb., Mar., 1931.

———. Stare Decisis. Retrospective decisions and stare decisis and a proposal. *Albert Kocourek*. Am. Bar Assoc. Jour. Mar., 1931.

———. Statutes. Severability of words in statutes. *La. Law Rev.* Dec., 1930.

———. Statutory presumptions. *Paul Brosman*. Tulane Law Rev. Dec., 1930, Feb., 1931.

———. Interpretation of codes and statutes by civil and common law courts, the doctrine of *ejusdem generis*. *H. T. Eider*. Tulane Law Rev. Feb., 1931.

———. Statutory interpretation—light from Plowden's reports. *Frank E. Horack, Jr.* Ky. Law Jour. Mar., 1931.

———. Summary Judgment. Summary judgment procedure. *F. T. Boesel*. Wis. Law Rev. Dec., 1930.

———. Third Degree. Confessions and methods employed in procuring them. *Bates Booth*. South. Calif. Law Rev. Dec., 1930.

———. The American inquisition. *D. C. Lunt*. Scribner's. Jan., 1931.

LOCAL GOVERNMENT

Books

Chandler, George F. The policeman's manual. N. Y.: Funk & Wagnalls.

———. County parks; a report of a study of county parks in the United States. Pp. 161. N. Y.: Playground & Recreation Assoc. of America.

Fagg, C. C. and Hutchings, G. E. An introduction to regional surveying. London: Cambridge Univ. Press.

Fonbené, J. R. Étude historique et critique du tribunal cantonal. Paris: Libr. Gén. de Droit et de Jurisprudence.

Harris, P. A. London and its government. Pp. 288. London: Dent.

Macassey, Sir Lynden L., and Missault, Francis Cecil. Arnold's municipal corporations. Pp. lxxii+467+83. London: Butterworth.

Martin, Olivier. Histoire de la coutume de la prévôté et vicomté de Paris. Pp. 655. Paris: E. Leroux.

Metzenbaum, James. The law of zoning. N. Y.: Baker, Voorhis & Co.

Moriarty, C. C. H. Police procedure and administration. Pp. 287. London: T. Butterworth.

Pasley, F. Al Capone. Pp. 320. London: Faber & Faber.

Robson, W. A. The development of local government. Pp. 362. London: Allen & Unwin.

Thompson, Slason. Way back when. Chicago: H. G. Adair Printing Co.

Walker, Mabel L. Municipal expenditures. Pp. 207. Baltimore: Johns Hopkins Press.

Willemse, Cornelius W. Behind the green lights. N. Y.: Knopf.

Articles

Administrative Reorganization. Administrative reorganization in Cincinnati. *Emmett L. Bennett*. *Nat. Mun. Rev.* Feb., 1931.

Airports. Terminals for seaplanes. *Homer C. Bennett*. *Am. City.* Jan., 1931.

Bonds. Municipal liability upon improvement bonds. *Note Editor*. *Harvard Law Rev.* Feb., 1931.

Boulder Dam. What Hoover dam means to municipalities of southern California. *Thomas F. Ford*. *Nat. Mun. Rev.* Dec., 1930.

Charters. Some comments on the reserved power to alter, amend, and repeal corporate charters. *Gustavus Ohlinger*. *Mich. Law Rev.* Feb., 1931.

China. Municipal government in China. *Ray Chang*. *Nat. Mun. Rev.* Dec., 1930.

City Councils. Collateral attack upon records of city councils. *R. de J. R. Va.* *Law Rev.* Jan., 1931.

City Manager. Dallas joins ranks of manager cities. *Louis P. Head*. *Nat. Mun. Rev.* Dec., 1930.

———. Council-manager government in 1930. *Orin F. Nollig*. *Pub. Management.* Feb., 1931.

———. We learn to manage cities. *Richard S. Childs*. *Rev. of Evs.* Feb., 1931.

City Planning. Finding and using the funds to make city planning effective. *Coleman Woodbury*. *Am. City.* Jan., Feb., 1931.

———. The financing of city plans. *Coleman Woodbury*. *The Municipality.* Feb., 1931.

———. The effects of population trends upon planning in metropolitan regions. *Am. City.* Mar., 1931.

Contracts. Municipal corporations: paving contracts with a patentee. *M. Karnowsky*. *Cornell Law Quar.* Feb., 1931.

———. Improving municipal contract methods and administration. *Philip A. Beatty*. *Pub. Management.* Feb., 1931.

Coroner. Paraphrase and synopsis of our antiquated coroner system. *P. J. Zisch*. *Medico-Legal Jour.* Nov., Dec., 1930.

County Government. The crisis in county government in Michigan. *Arthur W. Bromage*. *Am. Pol. Sci. Rev.* Feb., 1931.

Delegation of Power. Validity of ordinance vesting discretionary authority in municipal officers. *S. R. B. Va.* *Law Rev.* Dec., 1930.

Excess Condemnation. Excess condemnation. *H. L. Bevis*. *Cincinnati Law Rev.* Nov., 1930.

Finance. The municipal debt situation in Oregon. *J. H. Gilbert*. *Commonwealth Rev.* Nov., 1930.

———. The police budget controversy in Kansas City. *Waller Matscheck*. *Pub. Management.* Dec., 1930.

———. Local finance—some suggestions in rural areas of south India. *M. K. Muniswami*. *Pub. Admin.* Jan., 1931.

———. The financial management of cities. *Leon Hornstein*. The tax levy ordinance as distinguished from the appropriation ordinance. *Harry C. Curtis*. *Ill. Mun. Rev.* Jan., Feb. 1931.

———. "Pay-as-you-go" municipal financing. *A. G. Schmedeman*. *The Municipality*. Jan., 1931.

Fire Protection. Fire protection. *H. J. Callahan*. *Am. Municipalities*. Mar., 1931.

Franchises. Franchise regulations in Iowa. *J. Van der Zee*. *Am. Municipalities*. Jan., 1931.

Germany. Recent developments in German public finance, with particular reference to the communes. *May L. Dheriau*. *Pub. Admin.* Jan., 1931.

Graft. The graft situation in Atlanta. *Eléonore Raoul*. *Nat. Mun. Rev.* Dec., 1930.

———. The scandals of New York. *Aiva Johnston*. *Harper's*. Mar., 1931.

Health. The municipality's part in conserving its greatest asset. *S. J. Crumbine*. *Am. City*. Feb., 1931.

Housing. New York's model housing code. *Bernard J. Newman*. *Nat. Mun. Rev.* Jan., 1931.

Judiciary. Selecting judges in large cities. *Jour. Am. Judicature Soc.* Feb., 1931.

Licensing Power. Power of local authorities to deny cigarette permits to chain stores. *Note Editor*. *La. Law Rev.* Dec., 1930.

London. How London is governed. *Fugh Green*. The absorption of the work of the poor law authorities by the London county council. *Pub. Admin.* Jan., 1931.

———. Saving London's squares. *J. P. Collins*. *Nine. Cent.* Feb., 1931.

Metropolitan Area. The proposed consolidation of the governments of Portland and Multnomah county. *Charles McKinley*. *Commonwealth Rev.* Nov., 1930.

———. L'aménagement de la région parisienne. *André Colliex*. *Rev. Deux Mondes*. Jan. 1, 1931.

———. Missouri voters reject metropolitan amendment. *Martin L. Faust*. Pooling a region's credit—consolidation of municipal borrowing powers on a regional scale. *E. T. Sampson*. *Nat. Mun. Rev.* Jan., Feb., 1931.

———. Metropolitan regions. *H. W. Dodds*. *Am. City*. Jan., 1931.

Municipal Leagues. Leagues of cities in Germany and France. *Charles E. Merriam*. *The Municipality*. Jan., 1931.

Municipal Ownership. Financial aspects of municipal light and power ownership in Illinois. *J. F. Gauger*. *Ill. Mun. Rev.* Dec., 1930.

———. Municipal ownership and the changing technology of the electric industry: conclusion. *P. J. Rorer*. *Jour. Land and Pub. Util. Econ.* Feb., 1931.

Municipal Powers. Powers of municipalities. *Carleton Sias*. Local police powers. *J. F. Waller*. *Am. Municipalities*. Feb., Mar., 1931.

———. The municipal regulation of gasoline oil storage. *Robert S. Moulton*. *Am. City*. Jan., Feb., 1931.

Municipal Progress. American city government as seen by a German expert. *Franz Berthold*. How far have we come and where do we go from here? *Charles E. Merriam*. *Nat. Mun. Rev.* Dec., 1930, Jan., 1931.

———. The city of the future. *Arthur Dewing*. *N. Am. Rev.* Jan., 1931.

Municipal Reports. Appraising municipal reports. *Clarence E. Ridley*. *Nat. Mun. Rev.* Jan., 1931.

Noise. Attacking city noises by science and law. *Lewis H. Brown*. *Am. City*. Feb., 1931.

Ordinances. Determination of the validity of municipal ordinances. *Yale Law Jour.* Feb., 1931.

Parks. When is it desirable to charge for park facilities? *C. A. Willard*. *Ill. Mun. Rev.* Jan., 1931.

Police. Communists and cops. *Edmund Wilson*. *New Repub.* Feb. 11, 1931

Proportional Representation. What P. R. has done for Cincinnati. *Chas. P. Taft*. How can the large cities be saved. *C. O. Sherrill*. *Proportional Repres. Rev.* Jan., 1931.

Public Utilities. Public utility districts for Oregon. *E. P. Schmidt*. *Commonwealth Rev.* Nov., 1930.

———. A new test of an old economic law for regulating car fares. *J. H. Alexander*. *Pub. Util. Fort.* Dec. 11, 1930.

———. Home rule for public utility regulation. *A. V. Roberts*. *Ill. Mun. Rev.* Feb., 1931.

Recreation. Why public recreation. *Weaver Pangburn*. *Minn. Municipalities*. Feb., 1931.

San Francisco. San Francisco: metropolis of the west. *George P. West*. *Current Hist.* Mar., 1931.

Schools. Value of school budgets and audits. *H. T. Scovill*. Tort liability of school districts. *Newton Edwards*. *Ill. Mun. Rev.* Jan., Feb., 1931.

Slums. London's progress in slum abatement. I. The governmental and economic background. II. Difficulties, procedure, and results. *E. M. Dence*. *Nat. Mun. Rev.* Dec., 1930, Jan., 1931.

Social Welfare. The administration of municipal relief work. *Louis Brownlow*. Public and private relief work in council-manager cities. *Pub. Management*. Dec., 1930.

———. Use made of social service agencies serving Portland. *L. L. Mead*. *Commonwealth Rev.* Jan., 1931.

———. Social welfare in Vienne. *Siegfried Kraus*. *Nation*. Feb. 4, 1931.

Special Assessments. Special assessment fund deficits. *O. W. Diehl*. *Ill. Mun. Rev.* Jan., 1931.

State Supervision. State supervision of local finance in Minnesota. *Edwin O. Stene*. *League of Minn. Municipalities*. *Pub. No. 30* (Nov. 15, 1930).

———. Some legal aspects of the governor's power to remove local officers. *Charles M. Kneier*. *Va. Law Rev.* Feb., 1931.

Streets. Preventive and remedial measures for icy pavements. *George H. Delano*. *Am. City*. Jan., 1931.

Taxation. Comparative tax rates of 185 cities, 1930. *C. E. Rightor*. *Nat. Mun. Rev.* Dec., 1930.

Tort Liability. Liability of a municipal corporation for acts of its agents in the performance of governmental and private functions. *J. B. Freiden*. *Cincinnati Law Rev.* Nov., 1930.

———. The liability of the municipal corporation for the negligent acts of the independent street contractor. *W. M. Hepburn*. *Notre Dame Lawyer*. Nov., 1930.

———. Liability for defective streets. *J. J. Smith, Jr.* Liability of city for tort by fireman. *R. W. Stayton.* *Tex. Law Rev.* Dec., 1930.

Traffic Control. Traffic control in smaller communities. *Howard R. Olson.* *The Municipality.* Jan., 1931.

———. Express highways combined with the "steady-flow" system. *Fritz Malcher.* Speed control without a "prima facie" rule. *Miller McClintock.* Relief of traffic congestion by changes in business hours. *Miller McClintock.* Capacity and economy in various forms of transit in cities. *Am. City.* Jan., Feb., Mar., 1931.

Vienna. Vienna's experience as a socialist city. *Morrow Mayo.* *Current Hist.* Feb., 1931.

Washington. Federal management of the federal city. *Frederick A. Fenning.* *Nat. Mun. Rev.* Jan., 1931.

Waste Disposal. Taking care of the neglected twins—garbage and refuse. *L. J. Houston.* Putting Imhoff tank sewage sludge to work on farms. *Charles C. Hommon.* A new development in sewage treatment plant design. *L. R. Howson.* The operation of a well-organized department of waste collection and disposal. *Alfred E. Hansen.* *Am. City.* Jan., Feb., 1931.

Water Supply. The establishment of water rates. *Robert E. McDonnell.* *Ill. Mun. Rev.* Dec., 1930.

———. Athens to relieve its thirst. *W. P. Christie.* *Am. City.* Jan., 1931.

Zoning. New York city zoning law makes the skyscraper a thing of beauty. *Joseph P. Day.* *Nat. Mun. Rev.* Dec., 1930.

———. Zoning Texas cities—constitutionality under the police power. *R. W. Stayton.* *Tex. Law Rev.* Dec., 1930.

———. Zoning ordinances—amendment. *Newman F. Baker.* *Ill. Law Rev.* Mar., 1931.

———. Zoning: an analysis of its purposes and its legal sanctions. *E. D. Landels.* *Am. Bar Assoc. Jour.* Mar., 1931.

POLITICAL THEORY AND MISCELLANEOUS

Books

Anon. *Jurisprudence du conseil d'état.* Pp. 785. Paris: Recueil Sirey.

Chang, Sherman H. M. *The Marxian theory of the state.* Chester (Pa.): John Spencer, Inc.

Clemenceau, G. *Sur la démocratie.* Pp. 208. Paris: Larousse.

D'Arcy, M. C. *Thomas Aquinas.* Pp. 32. Boston: Little, Brown.

Deat, Marcel. *Perspectives socialistes.* Pp. 250. Paris: Valois.

D'Ham, Ernst. *Staatslehre und Staatsrecht.* Pp. xii+124. Mannheim: Bensheimer.

Feist, Elisabeth. *Weltbild und Staatsform bei Jean Bodin.* Halle: M. Niemeyer.

Funk, Fritz. *Commentaire du code fédéral des obligations* (Trans. by Max E. Porret and Gustave Perregaux) Pp. 324. Paris: Recueil Sirey.

Hyde, H. E. *The price of national security.* Pp. 290. London: P. S. King.

Günther, Raimund. *Diktator oder Untergang.* Pp. iv+150. Wien: C. Konegen.

- Jones, W. Tudor.* Contemporary thought of Germany. N. Y.: Knopf.
- Louis, Paul.* Les idées essentielles du socialisme. Pp. 204. Paris: Rivière.
- Magnol, Joseph, and De Moulins, Charles.* Le code pénal espagnol du 8 septembre 1928. Pp. 609. Paris: Rousseau.
- Pankhurst, E. S.* The suffragette movement. Pp. 608. London: Macmillan.
- Parra-Perez, C.* Bolivar, the Washington of South America: political ideals of the great statesman and liberator. (Translated by N. Andrew N. Clevén.) Pittsburgh: Pittsburgh Printing Co.
- Reupke, Hans.* Das Wirtschaftssystem des Faschismus. Pp. 130. Berlin: Hobbing.
- Rosselli, Carlo.* Socialisme libéral. Pp. 224. Paris: Valois.
- Seligman, E. R. A., and Johnson, A. S., eds.* Encyclopaedia of the social sciences. Vol. 3. Pp. 702. N. Y.: Macmillan.
- Trentin, Silvio.* Aux sources du fascisme. Pp. 212. Paris: Rivière.
- Trentin, Silvio.* Antidémocratie. Pp. 275. Paris: Valois.
- Underwood, A. C.* Contemporary thought of India. Pp. 235. N. Y.: Knopf.
- Who's who in government. Vol. I. Pp. 814. N. Y.: Biographical Research Bureau.

Articles

- Church and State. Persistent problems of church and state. *E. B. Greene.* Am. Hist. Rev. Jan., 1931.
- . How far may the church go? *J. E. Ross.* Christian Cent. Feb. 25, 1931.
- Collectivism. L'individu et la collectivité. *Nicholas Murray Butler.* L'Esprit Int. Jan., 1931.
- Democracy. Liberty and democracy. *Louis Le Fevre.* Am. Mercury. Dec., 1930.
- . Kelsen und die Demokratie. *Arnold Kötting.* Zeitschrift gesamte Staatswissenschaft. Jan., 1931.
- . American democracy and the frontier. *B. F. Wright, Jr.* Yale Rev. Winter, 1931.
- Dictatorship. Why dictators? *Lotthrop Stoddard.* World's Work. Jan., 1931.
- . Die Diktaturen der Nachkriegszeit. *Carlo Sforza.* Neue Rundschau. Jan., 1931.
- Economic Councils. National economic councils. Monthly Labor Rev. Jan., 1931.
- Education. The state in higher education. *H. W. Chase.* Jour. Higher Educ. Feb., 1931.
- Fascism. Prolegomena to fascism. *C. E. M. Joad.* Pol. Quar. Jan., Mar., 1931.
- . Fascism, bolshevism, and socialism. *Erwin F. Meyer.* Rocky Mt. Law Rev. Feb., 1931.
- Government. The machinery of government. *Sir Gerald Ellison.* Nine. Cent. Dec., 1930.
- Laissez Faire. A tyranny of laws. *R. M. Jones.* Tenn. Law Rev. Dec., 1930.
- Liberty. Notes on liberty and the boundaries of the promised land. *Aldous Huxley.* Fort. Rev. Dec., 1930.

Liberalism. A young liberal international. *Elliott Dodds*. *Contemp. Rev.* Jan., 1931.

Nationalism. Back to nationalism. *Hans Zehrer*. *Liv. Age*. Dec., 1930.

———. Nationalism und Literatur. *André Gide*. *Neue Rundschau*. Jan., 1931.

———. Emile Durkheim and the philosophy of nationalism. *M. Marion Mitchell*. *Pol. Sci. Quar.* Mar., 1931.

Physiocrats. Jefferson and the physiocrats. *Gilbert Chinard*. *Univ. of Calif. Chronicle*. Jan., 1931.

Politics. Die zwei Übel der Politik und die Politik der beiden Übel. *A. Mendelssohn-Bartholdy*. *Europäische Gespräche*. Nov., 1930.

Political Leadership. Mountain men. *E. B. L. Penrose*. *Ore. Law Rev.* Dec., 1930.

———. Can politics be a profession? *E. P. Chase*. *Va. Quar. Rev.* Jan., 1931.

———. Men versus principles in politics. *W. W. Head*. *Rev. of Revs.* Mar., 1931.

Political Science. The first northern political science and public law congress. *Eric C. Bellquist*. A nomenclature in political science. *Charles H. Titus*. *Am. Pol. Sci. Rev.* Feb., 1931.

Public Administration. The present status of the study of public administration in the United States. *John M. Gaus*. *Am. Pol. Sci. Rev.* Feb., 1931.

Public Finance. Bemerkungen zur Finanzwissenschaft. *Th. von Pistorius*. Neue Wege der Lehre und Forschung in der Finanzwissenschaft. *E. H. Vogel*. *Zeitschrift gesamte Staatswissenschaft*. Nov., 1930, Jan., 1931.

Public Opinion. The doctrine of life and modern politics. *M. E. Nichols*. *New Church Rev.* Jan., 1931.

Social Legislation. The method of social legislation. *G. D. H. Cole*. *Pub. Admin.* Jan., 1931.

Socialism. Raum für den sozialistischen Vortrupp. *Walther Pahl*. Die Rolle des Staats im Marxismus. *Paul Ecmppfmeier*. *Sozialistische Monatshefte*. Feb., 1931.

Sovereignty. National sovereignty versus the rule of law. *Walter Sandelius*. *Am. Pol. Sci. Rev.* Feb., 1931.

Statesmanship. Medicine and statesmanship. *Lord Dawson of Penn.* *Atlan. M.* Feb., 1931.

Theory of the State. Das Wesen der Staatsgesinnung. *Gerhard Giese*. *Deutsche Rundschau*. Dec., 1930

———. The state as an organ of rationalisation. *J. A. Hobson*. *Pol. Quar.* Jan., Mar., 1931.

Utopia. Boundaries of utopia. *Aldous Huxley*. *Va. Quar. Rev.* Jan., 1931.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES¹

American Samoan commission. American Samoa, hearings before commission . . . at Honolulu, Sept. 26-Oct. 4, 1930, in American Samoa. (1931.) 510 p.

Civil service commission. Retirement act as amended July 3, 1926, Feb. 20, 1929, and May 29, 1930, with decisions, rulings practice, and comments. (Sept., 1930.) 50 p.

Congress. 71st Congress, 3d session, beginning Dec. 1, 1930. Official congressional directory. 2nd edition, corrected to Jan. 9, 1931. (1931.) 687 p.

———. *House committee to investigate communist propaganda in the United States.* Hearings. (1930.) (Many parts; several thousand pages.)
 . . . Report . . . submitted by Mr. Fish. (1931.) 99 p.

———. *House of representatives, Immigration and naturalization committee.* Restriction of immigration, report (and minority views) to accompany H. J. Res. 473 (further restricting for period of two years immigration into United States.) (1931.) 4 parts.

———. *Internal revenue taxation joint committee.* Codification of internal revenue laws; submitted to committee by its staff. (1930.) 243 p.

———. *Senate.* Ratification of Constitution and amendments by states, data on ratification . . . prepared by legislative reference service of Library of Congress. . . . (1931.) 17 p. (S. Doc. 240, 71st cong., 3d sess.)

———. *Senate, District of Columbia committee.* Prohibition enforcement in the District of Columbia, hearings, 71st cong., 2d session. . . . (1931.) part 2, 55-128 p.

———. *Foreign relations committee.* World court, hearing, 71st congress, 3d session, relative to protocols concerning adherence of United States to court of international justice. (1931.) 75 p.

———. *Immigration committee.* Deportation of aliens convicted of violation of narcotic law, hearing, 71st cong., 3d session, on H.R. 3394, to amend sec. 19 of immigration act of 1913, and providing for deportation of aliens convicted of violation of Harrison narcotic law and amendments thereto, Jan. 13, 1931. (1931.) 14 p.

———. Suspension for two years of general immigration into United States, hearings, 71st cong., 3d session, on S.J. Res. 207. (1931.) 132 p.

———. *Judiciary committee.* Hearings before sub-committee, 71st Cong., 2d session, pursuant to S. Res. 20, to investigate activities of lobbying associations and lobbyists in and around Washington, D.C. Index. (1930.) 4933-5008 p.

Labor department, Immigration bureau. Information on immigration; excerpts from annual report of commissioner-general of immigration . . . fiscal year 1930. (1930.) 36 p.

Library of Congress, Documents division. Account of government document

¹ Unless otherwise indicated, all of the following United States documents bear the imprint: "Washington: Govt. Ptg. Off."

bibliography in United States and elsewhere (with bibliographies); by James B. Childs. Revised July, 1930. (1930.) 57 p.

National commission on law observance and enforcement. Enforcement of prohibition laws of United States, message from president of United States transmitting report of national commission on law observance and enforcement relative to facts as to enforcement, benefits, and abuses under prohibition laws, both before and since adoption of 18th amendment to Constitution. (1931.) 162 p. (H. Doc. 722, 71st cong., 3d sess.)

President. Message of President of United States communicated to the two houses of Congress at beginning of 3d session of 71st congress, Dec. 2, 1930. (1930.) 12 p.

STATE AND TERRITORIAL

CONNECTICUT

Secretary of state. Register and manual, 1930 . . . Hartford, 1930. 781 p.

DELAWARE

Public archives commission. Votes and proceedings of the house of representatives of the government of the counties of New Castle, Kent, and Sussex, upon Delaware, at a session of Assembly held at New Castle the 20th day of October, 1762 . . . Wilmington, 1930. 37 p. (reprinted.)

GEORGIA

University of Georgia, Athens. The passing of the constitution of 1877, by Orville A. Park. Address before the Phi Beta Kappa society, June 16, 1930, Athens, 1930, 12 p. (Bulletin of the University of Georgia, v. 30, no. 11b.)

———. The responsibility of citizenship, by Norman H. Davis. Commencement address, University of Georgia, June 18, 1930. Athens, 1930. 15 p. (Bulletin of the University of Georgia, v. 30, no. 10.)

ILLINOIS

Civil service commission. Law, rules, and classification. . . . Rules in effect August 15, 1930. Springfield, 1930. 197 p.

Secretary of state. Democratic party. Year book, 1930. Illinois. Comp. by William J. Stratton, secretary of state. Springfield, 1930. 120 p.

———. Republican party. Year book, 1930 . . . Springfield, 1930. 137 p.

University of Illinois, Urbana. An economic analysis of the constitutional restrictions upon municipal indebtedness in Illinois, by Ward L. Bishop. Urbana, 1928. 113 p. (University of Illinois studies in the social sciences. v. 16, no. 1. Dated 1928; pub. 1930.)

INDIANA

Indiana university, Bloomington. Educational policies of the United States government, by William Lowe Bryan. . . . Federal aid to education, by Albert Ludwig Kohlmeier. Bloomington, 1930. 16 p. (Indiana university studies, v. 17, study no. 87.)

Teachers college, Terre Haute. Division of research. The distribution of state funds for the purpose of equalizing educational opportunity in Indiana. . . . Terre Haute, 1930. 128 p. (mimeographed.)

IOWA

University of Iowa, Iowa City. Responsible government in Nova Scotia, a study of the constitutional beginnings of the British Commonwealth, by W. Ross Livingston. Iowa City, 1930. 280 p. (Studies in the social sciences, v. 3, no. 1.)

KENTUCKY

Kentucky directory for the use of courts, state and county officials, and general assembly of the state of Kentucky, by Frank K. Kavanaugh. Frankfort, 1930. 282 p.

MISSOURI

University of Missouri, Columbia. Some political writings of James Otis, collected with an introduction by Charles F. Kullett . . . Columbia, 1929. 2 v. (University of Missouri Studies, v. 4, no. 3-4.)

NEW HAMPSHIRE

Secretary of state. Manual for the general court, 1929. . . . Concord, 1929. 499 p.

NEW MEXICO

Secretary of state. The New Mexico blue book or state official register, 1929-30. Santa Fé, 1930. 85, 231 p.

NEW YORK

Dept. of audit and control, bureau of municipal accounts. Special report on municipal accounts by the state comptroller, transmitted to the legislature March 27, 1930. Albany, 1930. 278 p. (Legislative doc., 1930, no. 13.)

———. *Dept. of State.* Manual for the use of the legislature of the state of New York, 1930, prepared . . . by Edward J. Flynn, secretary of state, C. L. Grant, editor, director of publications and records . . . Albany, 1930. 1140 p.

———. *Tax commission.* Federal and state tax systems, 1930, prepared under the direction of the New York State tax commission, Thomas M. Lynch, president . . . Albany, 1930. 84 p.

NORTH CAROLINA

University of North Carolina, Chapel Hill. Constitutional development in the South Atlantic states, 1776-1860; a study in the evolution of democracy, by Fletcher M. Green . . . Chapel Hill, 1930. 328 p. (University of North Carolina. Social studies series.)

NORTH DAKOTA

Secretary of state. Manual for the state of North Dakota, 1929 . . . Bismarck, 1930. 119 p.

OHIO

Governor's taxation committee. First preliminary report of the committee on research submitted to the governor's taxation committee, Columbus, Ohio, July 1, 1930. Columbus, 1930. 590 p.

PENNSYLVANIA

Legislative reference bureau. Constitution of Pennsylvania, Constitution of the United States, analytically indexed and with index of legislation prohibited in Pennsylvania. Comp. by John H. Fertig, asst. director. Harrisburg, 1930. 151 p.

PHILIPPINE ISLANDS

Governor general. Message of Governor-general Dwight F. Davis, to the eighth Philippine legislature, delivered July 16, 1930. Manila, 1930. 31 p.

PORTO RICO

Governor. Message of Theodore Roosevelt, governor of Porto Rico, to the twelfth legislature, second regular session, Feb. 10, 1930. San Juan, 1930. 19 p.

———. Special message of Theodore Roosevelt, governor of Porto Rico, to the twelfth legislature, second regular session . . . San Juan, 1930. 5 p.

VIRGINIA

State library. Executive journals of the council of colonial Virginia, vol. 4 (Oct. 25, 1721-Oct. 28, 1739), H. R. McIlwaine, editor. Richmond, 1930. 555 p.

University of Virginia, Charlottesville. Institute for research in the social sciences. County management. Second edition . . . by Wylie Kilpatrick. Charlottesville, 1930. 591-658 p.

———. Problems in contemporary county government. An examination of the process of county administration in Virginia, by Wylie Kilpatrick. Charlottesville, 1930. 666 p. (Institute for research in the social sciences, monograph no. 8.)

WISCONSIN

Tax commission. The taxes of the state and its political subdivisions, 1930. State and county aids distributed in 1930. Madison, 1930. 3 leaves. (mimeo.)

University of Wisconsin, Madison. Municipal information bureau. Salaries of village officials in Wisconsin, 1930, comp. by Celia Harriman. Madison, 1930. 16 leaves (mim). (Information report no. 79.)

FOREIGN

AUSTRALIA

Conference of commonwealth and state ministers. Proceedings. 1930. 24 p.

Conference on the operation of Dominion legislation. Report, together with report by Sir. W. H. Moore. 1930. 35 p.

Report of the Australian delegate to the limitation of naval armaments conference, Jan.-Apr., 1930. 1930. 56 p.

CANADA

Exchange of notes relative to the renunciation of the rights of H. M. government in Canada to benefit by the provisions of existing treaties; limiting the right of China to settle her national customs tariffs or to impose tonnage dues. Ottawa, F. A. Acland, 1930. Treaty series 1929, no. 5. 8 p.

Notes exchanged on the occasion of the resumption of diplomatic relations with the U.S.S.R. Ottawa, F. A. Acland, 1931. Treaty series, 1929, no. 17. 6 p.

FRANCE

Ministère des affaires étrangères. Réponses au mémorandum sur l'organisation d'un régime d'union fédérale européenne. Paris, 1930. 100 p.

GERMANY

Reichsministerium des innern. Verfassungsausschuss der Länderkonferenz. Niederschrift über d. verhandlungen d. unterausschüsse vom 20. Junie, 1930 u.

Beschlüsse d. 2. unterausschusses über d. organization d. länder auf d. reich. Berlin. Reichs- u. Staats verlag, 1930. 57 p.

———. Same. 21 June . . . 63 p.

Reichstag. Auslieferungsvertrag zwischen d. Deutschen reich u.d. Vereinigten Staaten von Amerika. Berlin, 1930. 8 p. (Drucksachen, no. 688, Wahlperiode 5.)

———. Das werk des untersuchungsausschusses der verfassunggetenden Deutschen nationalversammlung und des Deutschen . . . 1919-1930. Verhandlungen, gutachten, urkunden . . . Ser. 1, b1. 10-11. Berlin, 1930.

———. *Reichszentrale für heimatsdienst*. Curtius, Julius: Innere konsolidierung und auszenpolitische aktionsfähigkeit. Rede in d. sitzung d. reichsrats vom 20 Nov. 1930 . . . Berlin, Zentralverlag, 1930. 15 p.

———. Preussischer landtag: Drucksachen, Wahlperiode 3: Verzeichnisse d. mitglieder . . . gewählt am 20 5. 1928. Berlin, 1931. 76 p.

Schaumburg-Lippe. Staats-Handbuch für den freistaat. . . 1931. 102 p.

GREAT BRITAIN

East India (constitutional reforms). Government of India's despatch on proposals for constitutional reform, dated Sept. 20, 1930. Lond: H.M.S.O., 1930. Cmd. 3700. 256 p.

———. Despatches from provincial governments in India, containing proposals for constitutional reform. Sept., 1930. Cmd. 3712. 360 p.

London naval conference, 1930. Documents . . . London, H.M.S.O., 1930. 565 p. Text in English and French.

Civil service, Royal commission on (1929-30). Minutes of evidence . . . (40 days up to Oct. 17, 1930).

LITHUANIA

Lietuvos sutartys su svetimomis valstybemis; uzieniu reikalų ministerijos leidiny, surinko ir sutvarkė Pranas Dailidė . . . Recueil des traités conclus par la Lituanie avec les pays étrangers, pub. par le ministère des affaires étrangères . . . Kaunas, 1930. (v. 1, 1919-1929.)

MEXICO

El empréstito de México a Colombia; recopilación de documentos con una introducción y notas por Joaquín Ramírez Cabañas. México, Publicaciones de la Secretaría de relaciones exteriores, 1930. 247 p.

PANAMA

Secretaría de relaciones exteriores. Relacion de los tratados, convenciones y convenios vigentes, suscritos por la Republica de Panamá, de noviembre 1903 a febrero 1929. Panam, Imp. nac. 1920. 58 p.

The American Political Science Review

Vol. XXV

AUGUST, 1931

No. 3

TECHNOLOGY AND POLITICAL BOUNDARIES

WILLIAM BEARD

Washington, D.C.

Mankind is sectional in outlook, carving the world into little compartments with mile upon mile of boundary lines. Technology, on the other hand, is inherently universal in outlook; nature's laws operate as infallibly in Spain as in China, in Russia as in Australia. The substances which it uses are scattered widely over the earth without respect for human conventions. In the collection of raw products and the transportation of finished goods, its purposes are economic, not political. The engineer, then, in applying his rational skill to the world's haphazard system of political areas must necessarily cut across artificial regions with a variety of works. The railway needs no introduction as a map-slashing agency. It has pierced the Alps, connecting Switzerland and Italy by way of the famous Simplon tunnel; it has crossed the towering Andes, linking Argentina with Chile; it has stretched out through Siberia, tying China and the Pacific with the countries of western Europe; and it speeds the traveller through a veritable maze of Balkan nations. Electrical designers, creating super-power nets of transmission lines, run wires with utter abandon across national and local frontiers, joining Switzerland and France over the Alps in one net, and North Carolina, South Carolina, Georgia, Alabama, and Tennessee in another. The production manager, turning out automobiles, airplanes, watches, and a flood of other commodities, seeks to distribute his products in every clime and under every flag. The engineer,

in short, is a universalist, however intense his patriotism, and cannot function efficiently without traversing human boundary lines.

The political boundaries so generally crossed are far from being mere imaginary lines. They represent crucial limits where a change of jurisdiction from one nation or administrative subdivision to another occurs. Such a change involves substantial shifts in law, governmental control, language, race, and outlook. And none of these alterations is remote from the enterprises of the engineer. Twist and turn as he will, he cannot escape them.

Even such an innocent enterprise as railway design is hopelessly ensnarled with border problems. Railway cars run on rails spaced a specific distance apart. This distance is the "gauge." Obviously, cars built with wheels to fit one gauge are quite useless on another. Unfortunately, gauge is still a subject for local option. While the standard gauge in general use in Europe is 4' 8½", Spain and Portugal dissent with a gauge of 5' 5¾" and Russia, "for national defense," uses 5' 0" to prevent foreign trains from invading her territory during a war. Even the administrative divisions of a single country may have diverse tastes. In Australia, eight different gauges are used, the colony of New South Wales, for example, employing 4' 8½", Victoria 5' 3", and Queensland 3' 6". So to the operator of an international, or even a local, railway, faced with the necessity of moving passengers and freight over a confusion of track widths, national "gauge prejudice," coterminous with political boundaries, is an engineering reality.

Large outdoor construction jobs, such as railways, waterworks, and power projects, are not the only engineering enterprises affected by national, state, and local lines. Even machine design suffers from boundary complaint. An excellent illustration in this field is afforded by the situation in the manufacture of automobiles. Since the several countries have independently adopted formulas for horse-power as the basis for automobile taxes, they are minimized by special contriv-

ance. Thus in the British Isles, where auto taxes are based solely on the diameter of cylinders, mechanical experts plan engines with abnormally long cylinders having a small taxable diameter. In other countries, where both length and diameter are employed as the tax base, there is a general adoption of shorter cylinders, which are mechanically more efficient. As a result, the British engine lags behind engines built elsewhere in the effectiveness of its performance, and Sir Percival Perry, president of Ford, Ltd., must speak of the British industry, somewhat bitterly, in the following vein: "We have to manufacture a special automobile engine for export because no intelligent automobilist will accept an engine designed according to the horse-power formula upon which British taxation is based. . . . So long as the present method of calculating horse-power taxation prevails, no British manufacturer can possibly build up any considerable export business in the vehicles which are made for this market. . . . Holland, which imports all its motor cars, is an open market in which twenty-three Continental and American manufacturers each sell 500 or more of their vehicles per annum. Not one of these is a British manufacturer."¹

Instances abound of the conflict between technology in all its branches and political frontiers. This is inevitable; for a survey of the origins of national and local boundaries conclusively shows that most of their roots lie, not in science and invention, but in human habits far antedating the industrial revolution. The most conspicuous of these historic roots is national defense. Seeking the aid of nature in protecting themselves against invasion, political entities have separated themselves from their neighbors by "natural" barriers. Mountains are of this class. The fearlessness and independence of mountaineers is a matter of record. That confidence in mountains as a deterrent to the advance of enemies has not been misplaced is demonstrated by the perils which Hannibal encountered in crossing the Alps to attack Italy in 218 B.C. "When . . . he began the ascent of the Alps the real dif-

¹ *New York Times*, April 26, 1931, § 9, p. 6.

difficulties of his journey appeared; for the way was narrow and rough, and the mountaineers attacked him. From the higher ground, which secured their own safety, they rolled stones and hurled missiles upon the troops and upon the long train of pack animals. Many soldiers fell, and many beasts of burden were either disabled or lost, so that the army suffered for want of provision."² At length, with great toil and heavy losses, Hannibal reached the summit, undoubtedly convinced, as his successors have been even to this day, that mountains form a real basis for political dividing lines.

But the very force of gravity which, two thousand years ago, drew down upon the heads of Hannibal's men, with merciless might, the giant boulders of the Alps has found a nobler use today. Seeking to build, rather than to destroy, hydro-electric engineers now scour the mountains for power sites, realizing that the enormous elevations once so fatal to soldiers may be employed through hydraulics in the service of mankind. An extreme case is that of the Lake Fully plant in the Swiss Alps which develops 12,000 horse-power from a vertical fall of 5,400 feet in one sheer drop. Thus the mountains, once regarded as waste barriers grimly separating countries, are now teeming with engineering activities. The list of such natural fortresses transformed by technology into strategic economic utilities includes—to cite only a few illustrations—the Pyrenees between France and Spain, the Alps between Switzerland, France, and Italy, the Andes between Chile and Argentina, and the Kjolen range between Norway and Sweden. Unfortunately, as a result of our war heritage, all these districts are split down their backs by frontiers, impeding the electrical interconnection of units on opposite slopes. This hindrance is greatest, of course, wherever political groups view with alarm any export of energy, as in the case of certain Norwegian patriots. It can be overcome, however, as in Switzerland, where barriers are broken down by international agreements with neighbors, authorizing the delivery of power from the inner to the outer slopes of the Alps. But until such good

²G. W. Botsford, *A History of the Ancient World* (1917), p. 381.

will and practical interest are universal, mountain frontiers, rich in "white coal," will continue to present hurdles to engineers.

Where there was a deficiency of mountains, historic man often selected rivers and lakes as the next best type of boundary. These waterways had the advantage of distinctness. While easier for armies to pass over than mountains, they still remain significant barriers to military invasion. Not only do they hinder an enemy's advance in the first instance, but they interfere with the moving of war supplies after a successful crossing. Speaking of the Danube watershed, J. G. Kohl shows that various tributaries both north and south, which formed serious obstacles to the march of armies, have become lines of separation between different states. Thus, Hungary is separated from Austria by the March River; the Enns River, for a considerable period the extreme western boundary of the Magyar kingdom, still separates Upper and Lower Austria; the Inn River divides Austria from Bavaria, and farther west the Iller separates Bavaria from Württemberg.⁸ Of second rank in military strategy, but of first rank in clarity, rivers and lakes are common frontiers. The list also includes the Dniester River between Russia and Rumania, the Danube between Rumania and Bulgaria, the Rhine between France and Germany, the Rio Grande between Mexico and the United States, and the Yalu between Korea and Manchuria. Among lakes may be mentioned the Great Lakes between Canada and the United States, Lake Constance between Switzerland and Germany, and Lakes Peipus and Pskov between Russia and Estonia.

As long as most rivers and lakes were used primarily for purposes of transportation and defense, little objection could be found to their serving as boundaries. In the modern age, however, technology has introduced so many complications requiring the joint action of parties on both banks for their solution that it makes the division of political entities by inland waterways a source of perplexing engineering troubles.

⁸ *Encyclopædia Britannica*, article on Danube River.

The Niagara River, between the United States and Canada, is a case in point, for the division of the enormous horse-power available at its famous Falls could only be accomplished by international agreement. A more striking illustration of water boundary problems arose in connection with Chicago's sanitary policy. Chicago dilutes its sewage with water drawn from Lake Michigan through a canal. This diversion lowered the lake some six inches, affecting in the process the water level at ports in Canada and seven American states, to the detriment of shipping. Inevitably, recourse was had to law, the case reaching the United States Supreme Court. Inland water boundaries, then, cut across technical unities at the present day.

A third type of "natural" boundary is that drawn with reference to mineral and other resources. Since the advent of modern technology, lines of this character have begun to play a dominant rôle in world affairs. A controversy in this class arose in South America during the past century. North of Chile, the Bolivian province of Antofagasta and the Peruvian province of Tarapaca followed the Pacific coast. For three hundred years, these two sections were catalogued as almost worthless desert. In the decades beginning with 1860, however, the nitrate salts lying in the desert became commercially useful, owing to advances in industrial chemistry. War followed in 1879, with the result that Chile captured by force both provinces and has continued to hold them ever since. The north boundary of Chile is essentially a nitrate boundary. The European peace settlement after the World War, though less clear-cut in its economic aims, also took careful account of natural resources. To France, for instance, was transferred the former German region of Alsace-Lorraine, with its yearly production of 20,000,000 tons of iron ore and some 200,000 tons of potash; while to Poland went the valuable coal fields of German Upper Silesia. In short, technology, by greatly magnifying the importance of certain minerals and creating a wholly new demand for others, has made natural resources one

of the leading factors in fixing boundaries—a factor certain to grow in significance.

It might be supposed that boundaries drawn with reference to natural resources, being inherently technical, could easily satisfy the requirements of the engineer. This, nevertheless, is not necessarily the case. If a single important mineral is taken away from a highly industrialized nation, the nation may be brought face to face with ruin, so intricately interwoven are the uses of minerals. Such was the issue involved in the proposed transfer of the entire coal and iron basin of Upper Silesia from Germany to Poland after the World War. This shift was blocked, on the ground that the readjustment "would so weaken industrial Germany that she would refuse to sign the peace treaty; even if she did sign, it would be impossible for her to fulfill the reparations clauses of the treaty."⁴ Even cupidity has limits.

The truth is that no boundaries can be drawn with reference to natural resources which will meet all the requirements of technology, so interwoven are its complexities and so startling are the changes in its methods. The World War settlement, for example, gave to France the valuable iron region of Lorraine, but left Germany in possession of the vital coal region of the Ruhr. Now the production of iron and steel requires two prime ingredients, iron ore and carbon in the form of coal or coke. The two materials are heated together, the carbon combining with the oxygen in the ore and escaping as a gas, leaving the iron that remains almost pure. In the case cited above, the two ingredients are separated by a national boundary, breaking the Ruhr-Lorraine iron and steel unit in twain. The frontier also cuts across a connecting railroad especially designed for the efficient loading, unloading, and hauling of ore and coal. This line was built to transport freight both ways. To the furnaces of the Ruhr it hauled iron ore, and on the return trip to Lorraine it carried coal for furnaces in the latter section. Speaking of the old Ruhr-Lorraine system,

⁴Isaiah Bowman, *The New World* (1928), p. 412.

Isaiah Bowman states that "these two regions became united by capital combinations and formed the greatest industrial center in the world."⁵ If the new Franco-German frontier hinders the flow of coal and iron, then, says Mr. Bowman, "France will be in a bad way unless her industrial leaders have worked out on their own account, with their equals in Germany, thoroughgoing reciprocal arrangements that disregard boundaries." Such arrangements must also be flexible, for radical technical changes may make obsolete in a day the best laid plans of previous generations.

Boundaries are not always created by nature and accepted by man. On the contrary, they may be drawn with reference to purely human conventions and concepts. Of this character are straight frontiers following latitude and longitude lines. That true north and south or east and west boundaries are rare is evidence that they were originally adopted only in relatively unexplored sections where alternative points of reference were still to be mapped or in stretches of land deemed of slight economic value. This peculiar origin limits their appearance primarily to North America, Australia, and Africa.

In the first-named continent, the dividing line between Alaska and Canada is the 141st meridian west of Greenwich for most of its length; that between Canada and the western states is the 49th parallel north of the equator. Many American states, such as Colorado and Utah, are marked on one or more sides by straight lines. Colorado is bounded, for example, on the south by the thirty-seventh parallel, on the north by the forty-first, on the east by the twenty-first meridian west of Washington, D.C., and on the west by the thirty-second. In Australia, the several colonies are separated almost exclusively by parallels and meridians. Even the little island of Sakhalin, lying off the coast of Asia, is divided into Japanese and Russian sections by the 50th parallel of north latitude. The civil engineer, in the rôle of surveyor, then, may set

⁵ *The New World* (1928), pp. 278-279.

the fate of peoples by observations of the sun and stars for latitude and longitude.

Although latitude and longitude lines are easy to survey, they ignore all other factors—mountains, rivers, natural resources, and the rest. Such a single-minded process inevitably brings trouble in its train. The mid-continental oil and gas field, for instance, is cut in twain by the Oklahoma-Kansas line, which follows the 37th parallel; while the Ohio-Indiana oil and gas field is almost evenly divided by the Ohio-Indiana border, which follows ‘a line due north from the mouth of the Miami River.’ What is true of oil and gas is equally true of coal, for the meridian and parallel boundaries of western Pennsylvania cut right across the Appalachian coal fields. Under our federal system, where each state has important powers over its own natural resources, this change of jurisdiction in the midst of geological districts is unfortunate. Latitude and longitude lines, by ignoring the terrain over which they pass, are very apt to be unsatisfactory to the engineer.

The human element in the fixing of boundaries appears most strongly in the principle of the self-determination of peoples. Briefly, the settlement after the World War involved the readjustment of the borders of eastern Europe in such a way as to permit the important races or racial groups to govern themselves. The names of the new nations born of the war are indicative of this movement: Czechoslovakia, the domain of the Czechs and Slovaks; Yugoslavia, the kingdom of the Serbs, Croats, and Slovenes; Poland, the land of the Poles; Estonia, the abode of the Esths; Latvia, the home of the Letts; Lithuania, named after the Lithuanians; Finland, after the Finns; and others. Bowman indicates, in map form, how closely some of the national boundaries follow the limits of settlement of the several races. Latvia and Estonia are especially striking in this connection.

However pleasing to patriots the principle of the self-determination of peoples may be, it is a false assumption that boundaries drawn with an eye solely to the national feelings

of neighboring inhabitants are pleasing to the engineer. The Banat is a good illustration; for, although it is a single agricultural unity, it is inhabited by a diversity of peoples. An ethnic frontier was laid out after the World War, and now splits it in two. Speaking of the new condition, Bowman says: "To separate the Rumanians of the Eastern Banat from the Serbs, Magyars, and Germans, who live in the western half of the district, in a measure disorganizes the commercial life of the region. . . . It should be noted that the new north-south boundary in the Banat cuts across all the westward-flowing streams and also the railways and irrigation canals."⁶ Nor is the Banat an isolated instance. The drawing of ethnic lines throughout the Balkans has disarranged whole systems of economy. "Before the World War the Danube was largely in the territory of Austria-Hungary. Shipments upon the river were affected by a single customs arrangement for the whole territory. Commerce up and down stream for a distance of 700 miles had no frontiers to cross, no delaying formalities to observe. At the present time a shipment down river over this distance must pass out of Austria into Czechoslovakia, thence successively into Hungary, Yugoslavia, and Rumania; and at each boundary there are distinct formalities, different customs rates, varying degrees of delay."⁷

Finally, there is the principle of administrative logic. In the fixation of local boundaries especially, this principle is applied to secure geographical areas that are convenient for simple governmental purposes, often as they existed long ago before the invention of the steam engine. An interesting case in point is the readjustment of the internal political lines of France, following her first Revolution. Of this reorganization, Albert Mathiez says: "The chief thing borne in mind was the condition requisite for good administration. The original idea had been to form administrative areas of such a size that all the inhabitants could reach the chief town in a single day. The desire was to bring the administration as near to the pub-

⁶ *The New World* (1928), p. 370.

⁷ *Ibid.*, p. 331.

lie as possible.”⁸ Largely with reference to distance, as measured in the days of the ox-cart and stage coach, the civilized countries of the world are laid off into a bewildering number of districts, formed with respect to the “convenient” administration of police, taxes, roads, and other matters.

Though reasonably “efficient” for certain purposes, these districts are a marked hindrance to the realization of many technical designs. Few objections may be lodged against allowing a New England town to manage the “pounds” within its jurisdiction, but permitting closely settled regions to battle with fire without reference to their neighbors is quite another matter. Fires run wherever there is fuel to feed upon, regardless of precious political boundaries. If the combustible masses lie scattered among several adjoining municipalities, then the combined mass becomes a common fire hazard that should receive common engineering treatment in the matter of protection. To place one portion of the mass under lax laws and inadequate fire-fighting equipment is to endanger the remainder. If the laws were uniform in strictness and the apparatus characterized by standard efficiency, the fire problem would still not be a mere neighborhood affair. When a great fire threatens to engulf a town and local apparatus is not sufficient, engines from distant centers must be employed to save the day. Boundaries based on “administrative convenience,” as conceived in handicraft days, are generally ill-adapted to the requirements of technology. Nor can we overlook the fact that the improved highway and the internal combustion engine have rendered obsolete the time-of-travel basis formerly employed in laying out such areas. Even the once simple matter of assessing property for taxing purposes has become of state-wide, and nation-wide, significance.

Summarily, the land is criss-crossed with a welter of internal political boundaries—natural, straight, racial, and “logical”—all with technical implications. The high seas present a striking contrast to this scene; for although they occupy three-fourths of the earth’s surface, they are not carved into

⁸ *The French Revolution* (1928), p. 88.

bits by hundreds of internal boundaries. Quite to the contrary, the high seas form, by common consent, a single international tract. The boundary between the unitary high seas and the multi-bordered "land" is usually fixed at three miles from shore—the narrow ribbon between the coast and the high seas being called "territorial water" and placed under the control of the adjacent political entity. This boundary between "land" and sea, following the famous "three-mile limit," is of historic origin, a curious child of early technology. Bynkershoek, in his *Dominion of the Sea* (1702), indicated that if the coastal fortresses of a nation could cover part of the ocean by gunfire, they were in a position to command respect in that area. The doctrine satisfied the authorities of the day and became a maxim of international law. As the range of eighteenth-century cannon was about three miles, the ocean three miles from shore became subject to the protection and sovereignty of nations.

The three-mile limit, so evolved, remains a fundamental dogma to this day. Although the tenacity of the concept is unchanged by technical development, its validity is challenged. To begin with, the range of cannon on which the limit was initially based has grown from the paltry three miles of the eighteenth century to some seventy-five miles today. On Bynkershoek's own theory, nations can now "enforce" their authority from land fortresses over an area of adjacent waters twenty-five times as great as was possible two hundred years ago.

But more is involved than the police aspect of the three-mile limit; peace-time engineering is affected. There is, for instance, the matter of submarine cables. If a cable did not come within any territorial waters, then it would not be subject to any laws or any flag; the designer would have a free hand. However, since the cable depends for its commercial existence upon securing business ashore, it must always terminate on land at both ends. And the moment it crosses the three-mile limit, government agents on the coast prepare to apply national control to the entire line, if possible. Such cables, being

forced to traverse the three-mile limit, cannot escape coming into conflict with the human line that severs the high seas from territorial waters.

An excellent illustration of the practical upshot of this combat between submarine cables and boundaries is afforded by the Pacific situation. In preparing the way for an American cable to the Orient at the turn of the century, plans were laid for establishing a relay station on some island intermediate between Hawaii and Guam, both of which are, of course, American. During the formulation of the cable design, the vice-president of the American concern involved wrote to the Secretary of the Navy as follows: "You may perhaps be aware that by reason of the limited distance for transmission of the electric current through a submarine cable, it was absolutely necessary in establishing the Pacific cable to locate a station either on the Marshall Islands, which belong to Germany, or on the Midway Islands, which belong to the United States. Every consideration from a cable standpoint was in favor of selecting the Marshall Islands. . . . The United States Government insisted, and, I wish to add, very properly insisted, from a governmental standpoint, that the cable must be an all-American cable, and hence that it must land on the Midway Islands."⁹ Here the engineer warped his art to avoid crossing the territorial-water line of Germany in the Pacific.

Under technology, the world has reached such a state of complication that no system of boundaries, on land or sea, is uniformly satisfactory for all technical needs. Yet engineering holds the key to the modern scene and demands a reckoning. To permit a translation of progress in science and invention into practice, various remedies for the boundary problem have been formulated and put into use. To these solutions we now turn.

A ready answer to the difficulties raised by a single set of boundaries and a single engineering project is to make the former fit the special requirements. Following this tack, many

⁹ Quoted in L. B. Tribolet, *The International Aspects of Electrical Communications in the Pacific Area* (1929), p. 188.

"special districts" have been established, their names being indicative of their character. The list of types includes, among others, irrigation districts, water districts, power districts, and sanitary districts.

How a district of this variety may serve to solve a local technical problem was recently demonstrated in New Jersey. Thirty-seven municipalities lying within the watershed of the Passaic River discharged their wastes into that stream in such profusion as to produce dangerous pollution. Divided by city limits, these units were improperly seweraged. Accordingly, New Jersey surrounded the region with a special boundary line and named the resulting section the Passaic Valley Sewerage District. To govern the tract, a board of commissioners was appointed with power to design a sewer, but only at the request of the interested localities. To give force to the argument, the discharge of sewage into the Passaic River after a fixed date was forbidden. Compelled to take action, and finding the construction of independent lines impractical, the localities worked with the commission on a joint sewer.

An alternative method to the rearrangement of boundaries by the formation of engineering districts is the practical neutralization of boundaries for particular purposes through the coöperative efforts of adjacent political entities. The highest type of joint action employs nations as its components and grand areas as its field. Of just such type is the international management of radio communications. Frankly recognizing that by their very nature ordinary radio waves can respect the limits of no unit except the globe itself, nationalism has been submerged in the stream of rationality. At periodic intervals, world assemblies meet for the preparation of general treaties which become binding on all the signatories alike. At the Washington radio conference of 1927, seventy-nine independent governments were represented, and the great majority of them adhered to the finished agreement. Thus the necessity of providing modern technology with the proper boundary conditions under which to operate efficiently is steadily gaining recognition, and is forcing modifications in sover-

eignty. This must inevitably promote a new spirit of international understanding.

Paralleling international coöperation, on a smaller scale, is the coöperation of local administrative units in levelling boundaries that interfere with engineering activities. Here is a type of political development that offers room for immense achievements in the future. Of this character, for instance, is the recent adoption of plans for the "mutual aid" of fire departments in American municipalities, without any revolutionary changes in political areas. Under such a scheme, a co-operative program is arranged in advance by "conversations" among administrative officials; if an emergency arises in one political entity, assistance is rendered by others according to a fixed schedule, and there is no need to waste time in frantic efforts to reach the proper authorities in adjoining places with the hope of securing their help before it is too late. On the contrary, all red-tape is eliminated in advance, and a sharp call brings positive and immediate response. In southern Illinois, an extensive mutual-aid fire system among some sixty-eight communities operates under the name of the Egyptian Fire Fighters Association, showing what neighborliness and administrative planning can do over a large area slashed into units by political boundaries. A second system binds together the Massachusetts cities of Chelsea, Everett, Malden, and Revere, assuring common activity on specified conditions.¹⁰

All this merely illustrates a highly significant trend caused by technology, which will soon force a reconsideration of traditional political geography. It may well happen that, as technology operates over ever larger areas, carrying standards and uniformity with it, we shall have to revise our whole concept of jurisdictions and local laws. For example, it would be desirable to have one law of railroads, covering operating conditions, taxation, rates, and services, uniform throughout the country, sweeping away all local interventions devised by local authorities, and thus wiping out jurisdictional units so

¹⁰ H. S. Walker, "Fire Department Mutual Aid," *The American City* (March, 1931), pp. 91-101.

far as this branch of transportation is concerned. Such a revolution would certainly contribute to the efficient carriage of goods. Equally startling suggestions arise in connection with other branches of technology and serve as warning notices that a new human purpose—the efficient production and transportation of goods according to the requirements of engineering rationality—is at work in the world, running counter to and altering the old purposes of defense, nationalism, and administrative convenience. Lawyers, political scientists, and statesmen will have to reckon with it; and boundaries, districts, and inter-unit relations will have to be reconsidered in the light of its insistent demands.¹¹

¹¹ For illuminating comments on political geography as a political science field, see the note on that subject by Harold H. Sprout in this *Review*, May, 1931, pp. 439-442.

THE DOCTRINE OF THE SOVEREIGNTY OF THE CONSTITUTION

LEWIS ROCKOW
Washington, D.C.

The contemporary criticism in England of the traditional theory of the state can conveniently be traced to the famous introduction of Maitland to the fragment of Gierke.¹ It is significant to note that Maitland's analysis followed by one year the classic restatement of the orthodox view by Bosanquet, thus perhaps offering another illustration of the common observation that when a doctrine has received its fullest elaboration, its decline has already set in.² During the first twelve or fifteen years of the present century, this criticism became an important undercurrent of political thought, as shown by the emergence of Distributivism and Guild Socialism, the passing of the zenith of the conventional Fabianism with the publication in 1909 of the Minority Report on the Poor Law, and the publication of Figgis's *Churches in the Modern State* in 1913.³ This later view was as yet, however, only an undercurrent; for the main stream of thought as indicated by L. T. Hobhouse in his *Liberalism* (1911) did not show any effects of the new leaven. Only during the next decade, say between the publication of Russell's *Principles of Social Reconstruction* (1916) and Professor H. J. Laski's *Grammar of*

¹No attempt will be made here to give a bibliography of the development of political ideas in England during the present century. Unless otherwise stated, the books mentioned refer to the first editions as published in London. This paper deals exclusively with English political thought. Further, with one exception, no effort will be made to show the relation of certain political ideas to recent legislation or party policy. An effective treatment of this relation would require a paper much longer than the present one. To Professor E. W. Coker, the present writer is indebted for a number of valuable suggestions.

²Bosanquet's *The Philosophical Theory of the State* was published in 1899.

³Some understanding of the recent drift in contemporary political ideas in England may be obtained by comparing L. T. Hobhouse's *Liberalism* (1911) with his *Elements of Social Justice* (1922), and the *Fabian Essays in Socialism* (1889) with Sidney and Beatrice Webb's *A Constitution for the Socialist Commonwealth of Great Britain* (1920). See also the introduction by Sidney Webb (now Lord Passfield) to the 1920 edition of the *Fabian Essays*.

Politics (1925), did the novel movement become the main current. Viewed in wider perspective, Russell, Hobhouse, the Webbs, Tawney, Cole, Laski, and Hobson offer variations on the same theme. The completeness and comprehensiveness of Professor Laski's *Grammar of Politics* make it especially significant. The book is, in fact, a summary of the development of English thought since 1900.

In the past five years, there has been no new departure in English political thought. The books published may indicate strategic withdrawal. Thus Bernard Shaw, in his *An Intelligent Woman's Guide to Socialism and Capitalism* (1928), restates substantially the Fabianism of a generation ago. Cole, in his *The Next Ten Years in British Social and Economic Policy* (1929), discards guild socialism. Mr. Hobson, in his most comprehensive statement as presented in his *Economics and Ethics; A Study in Social Values* (1929), shows an attempt at fortifying places already captured rather than making new conquests.⁴ Professor Laski, too, in his *The Dangers of Obedience, and Other Essays* (1930) and *Liberty in the Modern State* (1930), has amplified with new illustrations the basic ideas given in his earlier and more comprehensive volume; but the ideas themselves remain unmodified. These signs apparently suggest that the high-water mark of the movement has already passed.

It must not, however, be understood that the new dispensation has evoked universal allegiance in England. Its influence has been intensive, but, as to be expected, not complete. The old view never lacked disciples and defenders. A notable illustration of this is Professor MacDougall's *The Group Mind*, published during the zenith of the new movement in 1920. This puts forward, disregarding technical differences, the thesis of Bosanquet. More important for our present purpose is the aim of the Master of Balliol, A. D. Lindsay, to present a reconstructed theory of sovereignty which is intended to meet

⁴In Cole's book, see especially Chaps. VII, VIII, and XV. Hobson's book is published by D. C. Heath and Co., Boston and New York.

heterodox criticism.⁵ This proposal is significant and merits analysis. But before we begin our survey of Lindsay's doctrine it is well to discuss first T. H. Green's theory of sovereignty, both because Lindsay's doctrine is related to that of Green and also because the inclusion of Green's view will complete for our review the important theories of sovereignty promulgated in England during the past century.

To Austin, says Green, the state is a bracket enclosing sovereign and subjects.⁶ Sovereignty is the unlimited force exercised by determinate persons to will acts of universal reference. To Rousseau, on the other hand, sovereignty is the exercise of the general will, that is, the will of the individuals when directed to the common good. Neither view is, to Green, adequate. The Austinian doctrine is incorrect because it regards sovereignty as the creature of the subjective will of determinate persons. On the other hand, Rousseau's theory is fallacious because it divorces sovereignty both from the determinate will of specific persons and from power to enforce obedience. Each view, therefore, when taken alone, is not acceptable.

Green's own view is a synthesis of those of Austin and Rousseau. To Green, the conception of sovereignty implies the power on the part of determinate persons to declare and enforce law, and hence to maintain a system of rights. However, in the fully developed states such a power is not an arbi-

⁵ Lindsay's theory is substantially given in *Sovereignty* (Proceedings of the Aristotelian Society, New Series, Vol. XXIV, 1924, pp. 235-254) and (with H. J. Laski) *Symposium: Bosanquet's Theory of the General Will* (Aristotelian Society, Supplementary Volume VIII, 1928, pp. 31-62). Also of interest in this connection are his "The State in Recent Political Theory" (*Political Quarterly*, No. 1, February, 1914, pp. 128-145); "The State and Society" (in *The International Crisis: The Theory of the State*, pp. 82-109, Oxford University Press, 1916); *Karl Marx's Capital* (Oxford University Press, 1925); *The State, The Church, and the Community* (Present Day Papers, No. 11, issued by Copec Committee, 1927); *General Will and Common Mind* (a lecture, 1928); and *The Essentials of Democracy* (University of Pennsylvania Press, 1929).

⁶ The substance of Green's theory of sovereignty is set forth in his *Lectures on the Principles of Political Obligation*, pp. 93-105.

trary whim, and the coercive function itself is normally merely a remote contingency. Here the sovereign authority receives obedience only because it expresses the expectations and usages of men. We may define "that impalpable congeries of the hopes and fears of a people, bound together by common interest and sympathy,"⁷ as the general will; and as such it prescribes the principles of obligation and the terms of authority. In fine, the legal order exists within the ambit of the social tradition.⁸ Green's doctrine certainly raises some interesting issues. Here, however, we are concerned with the bare statement itself, and not with its possible complications.

While Green offers a synthesis of the doctrines of Austin and Rousseau, Lindsay's doctrine of the Sovereignty of the Constitution is for the most part a synthesis of Austin and Bosanquet. As we would expect, the conclusions of Green and Lindsay are related. Just as in the case of Green, we can best understand Lindsay's own theory if we state first his interpretation of the preceding writers on the problem. His own view, like that of Green, is in fact interwoven with a subtle survey of other writers. Austin, he states, approaches a theory of sovereignty by way of a theory of law. Law, to Austin, is the command of the sovereign. The basis of sovereignty rests, not on a quasi-legal explanation of contract, but merely on the fact of obedience. Whatever may be the explanation of obedience, sovereignty rests on the mere fact that some per-

⁷ *Principles of Political Obligation*, p. 98.

⁸ "Thus when it has been ascertained in regard to any people that there is some determinate person or persons to whom, in the last resort, they pay habitual obedience, we may call this person or persons sovereign if we please, but we must not ascribe to him or them the real power which governs the actions and forbearances of the people, even those actions or forbearances (only a very small part) which are prescribed by the sovereign. This power is a much more complex and less determinate, or less easily determinable, thing; but a sense of possessing common interests, a desire for common objects on the part of the people, is always the condition of its existence. Let this sense or desire—which may properly be called general will—cease to operate, or let it come into general conflict with the sovereign commands, and the habitual obedience will cease also." *Principles of Political Obligation*, pp. 96-97.

sons receive the habitual obedience of other persons.⁹ Law, however, is not only a command, but, to Austin, a command emanating from determinate persons. The giver of commands must be a definitely recognizable person or body of persons. Austin's theory of sovereignty involves, therefore, first, the notion that the source of sovereignty rests on the fact of obedience, and, second, an insistence that the wielder of sovereignty should be a definite person or body of persons.

Such a doctrine, Lindsay holds, was true of the absolutist states of the seventeenth and eighteenth centuries. The basic fact of these states was that the people obeyed the command of a determinate authority, the absolute monarch. The monarch then incarnated in his own person the source of authority and the source of determinateness. A combination of these two factors in the same authority is not true any more. As soon as the wielder of authority is more than one person, the important fact is not that commands are obeyed, for some commands are not obeyed. Only those commands are obeyed that are issued according to rule. In modern states, Austin's explanation that the source of authority is derived from the fact of obedience to command is not true. Obedience to law is given now, not because commands have been issued, but because commands have been issued in accordance with certain principles. When commands are issued contrary to these principles, they are not regarded as commands. To Lindsay, however, Austin's conception that law must be issued by a determinate person or body of persons is still valid. Whatever may be the explanation of the ultimate source of the authority of law, if the person or persons from whom laws issue is indeterminate, there will be disputes in regard to the particular

⁹ It should be noted that there is some difference in the interpretation of Austin as given by Green and by Lindsay. For our present purpose, such difference is not of great significance. See, however, Green's view in his *Principles of Political Obligation*, pp. 95-96, and Lindsay's view in *Proceedings of the Aristotelian Society*, New Series, Vol. XXIV, p. 258. It should also be noted that we are not here immediately concerned whether the interpretations of Green and Lindsay of the writers they analyze is in all particulars correct.

application of the law. In order to avoid anarchy, it is necessary to have a determinate declarer of what the law is, even if the declarer of law is only the instrument of an authority not its own. Without it, positive law is inconceivable. Lindsay thus rejects Austin's conception that the source of the authority of the sovereign rests on the fact of obedience, but retains his emphasis on the need for an ascertainable expounder of law.

Again, according to Lindsay, Bosanquet, following the suggestion of Rousseau, regards sovereignty as the exercise of the general will. The general will is the expression of the entire complex of institutions that reflects the associated activity of men. This entire network of relations constituting the community Bosanquet identifies with the state. To Bosanquet, this elaborate system of interrelations which he designates as the state is an harmonious whole. It is self-governed. It operates automatically. It is self-contained and internally determined. The business of government is to accept it and let it alone. A large degree of interference would check the freedom of its spontaneity. The task of legislation is merely to remove the impediments which check its spontaneous movement. Its function is to hinder hindrances.

To Lindsay, Bosanquet's theory tells what law should be, but it does not indicate how we can tell when a law is a law and when not. It stresses the vast hinterland of law; it calls attention to the fact that acts of government should consider the total situation. Law, to be valid, must express the complete life of man. Political machinery should regard the innumerable relations of man. Bosanquet thus emphasizes a normative standard. He aims at explaining what is the nature of the source of authority of law. As a complete theory of sovereignty, however, it is inadequate, for it does not tell how we can recognize a law when given. It stresses influence, not government. In order that we may be able to know law, there must be a determinate declarer of law. There must be a prescribed expounder of law. To Lindsay, an adequate theory of sovereignty must include both aspects. It must analyze the nature

of the ultimate source of the authority of law, and must provide for an ascertainable announcer of the definite provisions of law.

It is now apparent that Lindsay's doctrine of the sovereignty of the constitution combines those aspects of the theories of Austin and Bosanquet which he regards as valid. From Austin it takes the conception of the need of a determinate declarer of positive law, and from Bosanquet the emphasis on the total situation which alone gives positive law its moral force. Again, it discards the Austinian view that the source of the ultimate authority of law lies in the fact of obedience to the commands of the sovereign; and to Bosanquet's conception of the moral source of the authority of law, it adds the Austinian view that law, to be recognized as such, must have an ascertainable declarer. What Austin calls "positive morality," and what Rousseau, Green, and Bosanquet call the "general will," Lindsay names the "law of the constitution." "It is surely obvious," he states, "that the main fact about all modern constitutional government is not that the bulk of society obey certain persons, but that they accept a certain constitution and that they obey the commands of the government, i.e., of certain determinate persons, because they have got into authority through the working of the constitution and in so far as their commands are within the limits of the constitution. This is equally true of a country like our own, where the constitution is largely unwritten as it is of the United States."¹⁰ To Lindsay, in the modern state, too, some persons command and other persons obey, but obedience is due to the fact that commands are issued in accordance with the rules prescribed in the constitution. Obedience now is not obedience to those who issue commands, but to the ultimate source of authority which grants the power to issue commands. The constitution provides for certain rules derived from the total situation, and determinate persons declare and apply these rules.

To Lindsay, the justification for the maintenance of the

¹⁰ *Proceedings of the Aristotelian Society*, New Series, Vol. XXIV, p. 243.

sovereignty of the constitution is based on the necessity of maintaining throughout the state a common rule which includes the provision that disputes should be settled only in a certain defined way. The possession by the government of force to give effect to the mandates of the constitution implies the paramountcy of the political relationship. Its priority to, and preëminence over, other forms of relationship are thus not left to a chance decision on the merits of each particular dispute. "The state's monopoly of force," Lindsay argues, "is the expression of the sense of its citizens that the purposes it represents are so important and paramount that they will have some guarantee beforehand that they will be safeguarded. They are not to be left to men's appreciation of their superior importance from time to time. But the greatest and most decisive of these common interests is just the principle of a legal and constitutional settlement of differences which may arise within the community."¹¹ Force, however, is not the essence of the state; the state can exercise force only because the citizens are ready to defend with force the maintenance of allegiance to a common constitution. In fine, Lindsay's doctrine is that in modern constitutional states sovereignty rests with the constitution, which provides certain rules governing political behavior, and that certain persons forming the government have the power to declare and enforce law because such powers are exercised within the categories prescribed by the constitution.¹²

Lindsay's doctrine of the sovereignty of the constitution, as analyzed above, is indeed arresting. It is preferable to the theories of Austin, Green, and Bosanquet. Austin's theory was based on the Benthamite conception of the autonomous nature of personality. Hence the state, to Austin, was merely

¹¹ *Proceedings of the Aristotelian Society*, New Series, Vol. XXIV, p. 248. See also *The Essentials of Democracy*, pp. 60-67, on the problem involved.

¹² The present schematic survey of Lindsay's doctrine may perhaps show it in an unduly simplified light. It is, however, believed that it is no more simplified than any abridgment necessitates. Again, the sharpness of outline may be offset by a gain in clarity. See, however, his two contributions published by the Aristotelian Society, referred to above, where the substance of his theory is given.

a contrivance enclosing governors and governed. Law was the command of certain autonomous individuals over other autonomous individuals. To an age that asserts that personality develops through social relations, such a view, except from the narrowest legalistic angle, is thoroughly unacceptable. Green's theory of sovereignty is a protest against the Benthamite conception. His statement that certain persons command because they express the general will is an affirmation that the political relationship is not alien to personality. The state as the maintainer of a system of rights fulfills an essential need of personality. Green, however, was unconscious of the complex character of relations that create personality, and hence of the complex background of law. Bosanquet's theory not only failed to provide, as Lindsay points out, for a determinate declarer of law, but it also involves the annihilation of personality; for he, like Rousseau, identifies sovereignty with the infallible expression of the permanent interest of personality as opposed to ephemeral caprice. Lindsay's view that sovereignty rests with the constitution, which provides for a common standard, and that certain determinate individuals declare the law in accordance with the rules of the constitution, suggests that the political relationship, because of greater comprehensiveness, is entitled to primacy. The needs of personality, he implies, demand priority of allegiance to the most extensive common bond. His statement of sovereignty avoids the defects of his predecessors and offers a satisfactory explanation.

However, valid as Lindsay's statement of the concept of sovereignty is, it cannot be considered, as he intends it to be,¹⁸ a reply to contemporary critics. Present-day writers in England do not offer any opposition to the need of recognizing a common bond, with certain individuals authorized to declare law and enforce it throughout the state. Contemporary critics of the traditional theory do not advocate anarchy, in

¹⁸ See *Proceedings of the Aristotelian Society*, New Series, Vol. XXIV, pp. 235-236 and 245 ff. Among English critics of sovereignty, Lindsay mentions specifically Figgis, Laski, and Cole.

the sense of the absence of an agreed declarer of law. Whatever may have been the implications of certain isolated statements of certain individual writers in the early stages of the movement, no such criticism of the movement as a whole, or of the more developed doctrines of the outstanding writers of the new dispensation, is justified now. The books of Russell, the Webbs, Hobhouse, Cole, Laski, Tawney, and Hobson are entirely devoted to the promulgation, in varied degree of completeness, of certain principles, and to the elaboration of the institutional structure authorized to give effect to these principles. As the term is used by Lindsay, these books elucidate different proposals for the constitution of a reconstructed state.

It should also be noted that, contrary to the implication of Lindsay, the granting by the present writers of the right on the part of individuals to dissent from and oppose the declared will of the state is far from unconditional. When we consider the various writings of any one writer, or of all of them, as a whole, and not merely particular writings of any single writer, which may have been written with an obviously polemical intention, we find that active hostility to the state is conceded only on exceptional occasions; even then, the individual is exhorted to consider the possible dangerous consequences of his action, and to take the responsibility, both morally and physically, for them. The writers also hope that when their proposals, as analyzed below, are adopted, occasions for serious dissent will shrink to a vanishing point. Therefore, Lindsay's doctrine of the sovereignty of the constitution does not suggest the least challenge to the drift which, as noted before, has developed during the present century. To the extent to which he has thus far developed it, his view is a parallel statement, and parallel statements, like parallel lines, never meet.¹⁴

¹⁴"I should like, if I may, to state my own way of rejecting this approach [Bosanquet's] to the analysis of the problem. I do not deny that the state is the great coördinating organ of society. I do not either deny that some such coördinating organ there must be, if anarchy is not to reign. There are conflicting purposes in society: the burglar and the policeman, the Roman Catholic and the secularist,

The reason why Lindsay regards his doctrine as a counter-proposal to the views of some writers is that he confines his attention solely to the purely critical and negative aspects of these writers. Our brief survey of the constructive ideas of the present-day movement—a movement in the sense of common tendencies observable in the suggestions of a number of writers—will show, it is hoped, that Lindsay's procedure misconceives its real significance. Contemporary writers regard a state based upon centralization, economic inequality, and international irresponsibility as hostile to freedom. Their task is therefore devoted to a search for freedom, and freedom is interpreted to mean unhampered opportunity on the part of all men to develop their personality to the greatest extent. Since the personality of the individual cannot be separated into disparate compartments, they argue that freedom, to be substantial, must exist in all forms of relationship. The means by which they propose to attain freedom for the vast masses is by an approach to equality in the possession of all forms of power, whether of office or of property. Their goal is freedom; and their means, a dispersion of power. Their varied suggestions aim at translating this ideal of freedom through equality into the concrete. In effect, too, their proposals amplify some of the vague hints given by Lindsay himself.¹⁵ It is with this ideal in mind that we can recognize some coherent unity behind the varied suggestions of diverse writers.

With Lindsay, our writers now agree that the state organized on the basis of inhabitancy, representing the interest of men as citizens, is the most effective instrument of coördinating the diverse interests of society; but, unlike Lindsay, they show concretely how to make the state a more suitable medium

Sir Alfred Mond and Mr. Cook. For the purpose of social peace, the terms of the life these opposites must live have to be laid down. All of this, I take it, is common ground between idealism and its critics. But, at this point, the paths seem to me to diverge radically." H. J. Laski, in *Aristotelian Society*, Supplementary Vol. VIII, 1928, p. 48.

¹⁵ See, for example, *Aristotelian Society*, Supplementary Vol. VIII, pp. 43-44, and *The Essentials of Democracy*, pp. 68-82.

of coördination.¹⁶ They thus suggest that in order that the decisions of the government should adequately reflect the complete social environment, functional relations should be linked directly with the structure of government. Only then will the acts of the government represent all available experience, and only then will its authority be woven in the texture of the multiplicity of relations. Yet, authority, no matter how reached, if centralized, is dangerous to freedom. Hence it is suggested to reserve as great as possible an area of self-government to functional and territorial units. Such centers of self-government are valuable, not only because they form sources of resistance to centralized authority, but also because they make freedom more attainable by reserving power to those who are keenly interested in the consequence of its exercise. Therefore, the present-day anomalies of local government should be removed, and its structure should be made more appropriate for vastly expanding powers. Again, since the state touches the lives of its citizens in numerous spheres, it should be held liable for the acts of its agents in the same way as a private citizen. This implies the end of the legal irresponsibility of the state. The purpose of contemporary writers is to suffuse the whole political relationship with the spirit of consent.

In the realm of industry—the present situation of which

¹⁶ The following books may give an understanding of the movement in its developed form: Bertrand Russell, *The Principles of Social Reconstruction* (1916); S. and B. Webb, *A Constitution for the Socialist Commonwealth of Great Britain* (1920); G. D. H. Cole, *Social Theory* (2nd ed., 1921), and *The Next Ten Years in British Social and Economic Policy* (1922); R. H. Tawney, *The Acquisitive Society* (1921); L. T. Hobhouse, *The Elements of Social Justice* (1922); H. J. Laski, *The Grammar of Politics* (1925). As already stated, Lindsay refers specifically only to Figgis, Cole, and Laski; but a reading of the above books will show, it is believed, that the views of these three are generally shared in varied extent by other writers. The emphasis on the movement here placed necessarily involves omission from the analysis of some striking suggestions offered by certain individual writers. This, however, is offset by the aim which the present method has of giving some unity and coherence to the constructive aspects of the entire contemporary development. It should be added also that, as already mentioned, Cole has now discarded his view of organizing the coördinating authority mainly on a functional basis (see *The Next Ten Years*, etc., Chap. VII). The suggestion of linking functional activities with the government is, however, generally advocated.

Lindsay himself recognizes as ominous¹⁷—contemporary writers apply the same ideal of freedom through equality. Here it is advocated to link the entire industrial system with the structure of government. Industry as a whole will then be directed to serve immediately the interests of consumers and producers, will be subjected to an adequate standard of technical efficiency, and will be exposed to pitiless publicity. This public control, which may extend to the whole range of industrial activity, may involve little, if any, direct public ownership and operation, and is, of course, compatible with an endless variety of forms of public control. When found necessary, industries and services that are especially vital to the community may be transferred gradually, with compensation to owners, from private hands to direct public ownership and operation. Each industry so transferred will then be responsible to Parliament for its general policy. Its form of administration, however, will be adjusted to the particular nature of the industry; its administration will be decentralized, with all interests concerned, including those of the workers, participating in its government, and will be exposed to a standard of efficiency imposed by an independent authority. It is expected that economic activity will not be characterized by an imposed uniformity, but will be rich in manifold diversity. It is further advocated that throughout the whole society should be enforced a minimum standard of education, income, housing facilities, working conditions, including participation of the workers in the government of all industries, both private and public, and also security against illness, old age, and unemployment. Violations of this standard will be severely punished, for it will be regarded as a degradation of personality. As society approaches a greater degree of economic equality, the present consumers' coöperative movement will expand its activities, and the trade unions, freed from their present concentration on defense against the owners of property, and other occupational organizations will play an integral part in

¹⁷ See his *General Will and Common Mind*, p. 27, and *The Essentials of Democracy*, pp. 80-81.

ize the gradual emergence of a loose world federalism, with a division between powers which properly belong to the state and powers which just as properly belong to an international authority—such powers as, for example, to enforce disarmament, to prevent war, to protect minorities, to secure free commercial intercourse, to impose standards of public health and of labor conditions, to protect native races, and to settle disputes in regard to frontiers. Thus, by deconcentration of all forms of power, irrespective of its nature or extent, it is expected that the ordinary man will be able to achieve freedom.

We may now be ready for a summary and conclusion. An attempt has been made to show that Lindsay's doctrine, as developed thus far, is not in a form comparable with the views of the writers we have surveyed. He has offered only a doctrine of sovereignty, while they have given a full theory of the state. He has tried to present what Austin presented in his *Province of Jurisprudence Determined*, and not what T. H. Green, L. T. Hobhouse, G. D. H. Cole, and H. J. Laski have achieved in their respective contributions. In relation to their views, all that we can say about his doctrine is that he has given a doctrine of sovereignty which is not contradictory to their theories of the state, and that, like their theories, it offers an attempt at reconstruction following recent criticism. In order that his view may be placed on the same basis with those of the writers named, he will have to expand his doctrine of sovereignty into a theory of the state. It will be necessary for him to elucidate the presuppositions which, to him, condition the exercise of sovereignty. It will be essential for him to give a body to his skeleton. Then, after he has expanded his survey, it may either be an alternative proposal, or, in harmony with the vague suggestions to which we have already referred, it may be in general outlines related to the views of the other writers. Whatever form it may take, it will be on a plane from which similarities and contrasts can be deduced. Now, little of that can be done. Then, too, he may give a solution to some of the problems which a bare state-

ment of sovereignty necessarily leaves unexplored.¹⁹ At present, his doctrine of sovereignty can no more be compared with the proposals of the other writers than a preliminary scaffolding can be compared with a completed building.

Any significance, therefore, which Lindsay's doctrine possesses cannot rest on the fact that it is a reply or a challenge to the views of others. Its value is grounded on a more secure basis. Lindsay's theory is not a counter-proposal, but a positive contribution. He offers an independent principle. He has restated the doctrine of sovereignty in an ingenious manner, and in a form which is sufficiently broad and comprehensive to serve as a foundation both for writers of diverse inclinations and for varied types of political organization. By offering a satisfactory exposition, he has freed writers on politics from concentrating their attention on the formal concept of sovereignty, thus enabling them to analyze more concrete problems. Contemporary critics challenged the doctrine of sovereignty as developed by Austin and Bosanquet, and then proposed, as we have seen, a positive theory of the state. They did not elaborate explicitly a distinct and separate theory of sovereignty. Lindsay has achieved this. He offers a foundation on which to construct a complete edifice. He makes it possible to move the plane of discussion of politics from the center to the periphery.

¹⁹ For some of these questions directed to Lindsay, see the conclusion of Professor Laski's discussion in the *Symposium: Bosanquet's Theory of the General Will*, referred to above, and also his article on "Law and the State," *Economica*, November, 1929.

THE JAPANESE PRIVY COUNCIL¹

KENNETH COLEGROVE
Northwestern University

For more than a decade, the Privy Council has been the subject of political controversy in Japan. Today, a group of liberals look upon the Council as an obstruction to the progressive development of parliamentary government and urge its reform, and not abolition. Under these circumstances, there is a tendency to subject the Council to considerable scrutiny from a utilitarian viewpoint. What is its purpose? Does it adequately fulfill this purpose, or does it obstruct the present trend of representative government in Japan? What reforms in its structure and functions are to be recommended? The answers to these questions are suggested largely by the varying liberal or conservative views of the various critics.

An evaluation of the achievements of an organ of government such as the Privy Council may be guided by several standards of value. One standard aims to measure the success of the institution in achieving the purpose of the statesmen who were the architects of its being. Another attempts to measure the success of the institution in promoting what is generally accepted at the present time by intelligent persons as good government. Measured by the first of these standards, the Privy Council would probably disappoint the author of the constitution, or at least disappoint his expectations as expressed in the almost naïve language of the celebrated *Commentaries on the Constitution* wherein the Council was designed "to serve as the highest body of the emperor's constitutional advisers," and was "to be impartial, with no leanings to this or that party, and to solve all difficult problems."² Moreover, the Council was to remain strictly advisory, and

¹ The concluding instalment of this article will appear in the November number.

All translations of Japanese sources were made by Dr. Sterling Tatsuji Takeuchi. The writer also acknowledges a debt to him for much information and many suggestions on this subject.

² *Commentaries on the Constitution of the Empire of Japan*, by Count Hirobumi Ito, translated by Migeji Ito (Tokyo, 1889), pp. 98-99.

was not to be an organ of supervision over the ministry, as witness the prohibition in the ordinance of 1888 declaring that "it shall not interfere with the executive." It would be unnecessarily cruel in this place to point out the long list of difficult problems which the Council failed to solve, even during the life of Prince Ito. The Council still remains as the highest constitutional consultant of the emperor; but it has lost its claim to impartiality, and is now playing an active rôle in politics. At the same time, the Council has abandoned its advisory character for one of supervision, and consequently has found itself increasingly in conflict with the ministry. In this capacity as a check upon the cabinet, which has come more and more under the influence of the representative branch of government, the Privy Council is compelled to occupy a position in which it appears not only as a drag on parliamentary progress but also as a possible impediment to political efficiency.

I. PLACE IN THE CONSTITUTIONAL SYSTEM

It is not difficult to speak of Japanese political institutions from the functional attitude, for the constitution of 1889 was a deliberate attempt to set up a new form of government carefully devised after a study of modern constitutions throughout the world and adjusted to meet Japanese conditions. Forty years ago, the Privy Council—like the cabinet, the House of Representatives, and the House of Peers—was a new institution, and, like these other components of government, had its place in Prince Ito's political scheme. The throne, of course, stood apart from these institutions. It existed before the constitution; it was the source of the constitution; and it was to remain the indispersable element in the revision of the constitution.

The Privy Council—unlike the Imperial Diet—was established previous to the adoption of the constitution. But its origin precedes the constitution by scarcely a year.³ It was created in 1888 for the original purpose of deliberating under

³ The cabinet system had been established at even an earlier date, namely, in 1885.

the presidency of Prince Ito on the draft of the constitution; for it would have been contrary to the principle of an emperor-granted constitution to convoke a popular assembly to discuss the draft of the fundamental law.⁴ The framers of the constitution intended to include a privy council among the organs of the new government, and thus provided for the continuation of the existing council under the constitution. Curiously enough, the constitution mentions the Privy Council in only one place, namely, in Article LVI, which reads: "The privy councillors shall, in accordance with the provisions for the organization of the Privy Council, deliberate upon important matters of state, when they have been consulted by the emperor."⁵ Here the constitution clearly refers to the imperial ordinance of April 28, 1888 (commonly cited as the *Sumitsuin Kansei*) creating the Privy Council; and this ordinance with its amendments, although not a part of the constitution, is to be considered as one of the constitutional documents of Japan.⁶

It is not to be implied that this origin gives the Privy Council a privileged position in the constitutional system of Japan. Quite on the contrary, in the treatises of the jurists the Council is considered as one of the organs of government on a parity with the legislature, the cabinet, and the courts.⁷ Fur-

⁴ Compare Minobe-Tatsukichi, *Kempo Seigi*, or "Commentaries on the Constitution," (Tokyo, 1928), p. 554.

⁵ The official English translation of the constitution is found in Prince Ito's *Commentaries*. The official Japanese text is in *Genko Horei Shuran*, or "Compilation of Laws and Ordinances in Force," (Tokyo, 1927), Vol. I, bk. i, pp. 1-14.

⁶ This ordinance, cited as Imperial Ordinance No. 22 of 1888, in its amended form, is found in *Genko Horei Shuran*, or "Compilation of Laws and Ordinances in Force," (Tokyo, 1927), Vol. I, bk. iii, p. 5. An English translation of the ordinance was published in the *Japan Weekly Mail*, May 12, 1888, pp. 444-445, and is reprinted in W. W. McLaren, *Japanese Government Documents* (Transactions of the Asiatic Society of Japan, Tokyo, 1914), Vol. XLII, pt. i, pp. 127-132.

⁷ Compare Hozumi-Yatsuka, *Kempo Teiyo*, or "Principles of the Constitution," (Tokyo, 1910), Vol. II, p. 567; Ichimura-Kokei, *Teikoku Kempo Ron*, or "Commentaries on the Imperial Constitution," (Tokyo, 1926), pp. 656-661; Minobe-Tatsukichi, *Kempo Seigi*, or "Commentaries on the Constitution," (Tokyo, 1928), p. 552; Shimizu-Cho, *Kempo Hen*, or "Principles of Constitutional Law," (Tokyo, 1923), p. 1099; Uyesugi-Shinkichi, *Kempo Jutsugi*, or "Commentaries on the Constitution," (Tokyo, 1924), p. 701.

thermore, its existence is technically less secure than that of the other components of government. The constitutional organization and powers of the legislature, for instance, may be modified only by an amendment to the constitution, which requires, under Article LXXIII, a proposal by the emperor and a two-thirds vote of both houses of the Diet. The Council could not be abolished except by an amendment to the constitution; for, in Article LVI, its existence is recognized. But its organization and powers can be modified by an imperial ordinance issued on the authority of the emperor.⁸ It is true that, by virtue of the *Sumitsuin Kansei*, "measures relating to the amendment of the organization of the Privy Council and to the rules for the conduct of its business" must be submitted to the deliberation of the Council. But, technically, this does not mean that the emperor must be bound by the advice of the Council. Nevertheless, to abolish or modify the organization or powers of the Privy Council without its consent would be, at the present time, inconsistent with constitutional usage.

In the nicely adjusted system of Prince Ito, there was small room for democracy. The government was built around the emperor; for the political psychology of the Japanese people, their deep-rooted respect or reverence for the throne, was fully recognized. The descendant of a "line of emperors unbroken for ages eternal" combined in himself the sovereignty of the state and the government of the country and his subjects. Supreme control of administration was in the hands of the emperor; but, unlike some European monarchs, he was never to act in matters of state save through a minister of state. Through the cabinet, imperial commands were to be conveyed and administrative affairs executed. Since the emperor was so intimately a part of the governmental scheme, a special group of advisers was necessary. Hence the Privy

⁸ "Inasmuch as the Privy Council is a constitutional organ, it cannot be abolished without constitutional amendment. But since its organization is determined by imperial ordinance, this may be amended freely by the emperor. However, such amendment of the organization of the Council and the rules for the conduct of its business cannot be made without having been submitted to the Council for advice thereon." Ichimura, *Teikoku Kempo Ron* (1926), p. 657.

Council had the duty to give opinions on important matters of state in response to the emperor's call. To its deliberation should be submitted measures proposed by the cabinet, including drafts of law supplementary to the constitution, certain imperial ordinances, and treaties. In the words of Prince Ito, the Council was to serve as "the highest body of the emperor's constitutional advisers." Finally, in response to modern demands, legislative powers were granted to an Imperial Diet including an elected House of Representatives, with a limited electorate, and a House of Peers.

Here was the frame-work of a parliament, but without the parliamentary spirit. There was no rule of ministerial responsibility. In the Imperial Rescript of 1893 it was made clear that "the appointment or removal of ministers of state is absolutely the prerogative of the sovereign, and no interference whatever is allowed in this matter."⁹

In drafting the constitution, Prince Ito and his collaborators drew heavily upon the German models. The prerogatives of the emperor and the structure and powers of the cabinet and of the legislature show the German influence. The Privy Council, however, has almost no counterpart in contemporary Europe. It belongs to the England of the Stuarts or the France of Louis XIV, and certainly not to Japan of the Tokugawa shogunate.

Like the fathers of the American republic, Prince Ito had an abhorrence of political parties and built the constitution with the intent of discouraging their existence. In less than a decade, he wisely changed his mind; and fortunately his constitution was sufficiently elastic to permit of the rise and progress of parties as well as of the parliamentary system. In his well-known *Commentaries*, Prince Ito speaks on this subject in no uncertain terms.¹⁰ The Privy Council was to remain above all parties and factions, giving its counsel without political prejudice of any kind. As expressed by the con-

⁹ Compare Kudo-Takeshige, *Teikoku Gikaishi*, or "Parliamentary History of Japan," (Tokyo, 1901), Vol. I, p. 278.

¹⁰ P. 99.

servative jurist, Dr. Hozumi, the Council "stands outside of political controversies, impartial, the protector of the constitution, curbing the arrogance of the Diet, and controlling the autocracy of the ministers of state."¹¹

II. NATURE AND FUNCTIONS OF THE PRIVY COUNCIL

According to Article LVI of the constitution, the Privy Council is to serve as an advisory body for the emperor in regard to affairs of state. The Imperial Ordinance of 1888 and the Imperial House Law of 1889 also provide for the reference of various questions regarding the imperial family. Thus the Privy Council has two functions—one constitutional, and the other dynastic. In other words, it is an organ of the state and an organ of the imperial house.

As an organ of the imperial house, the Privy Council has certain important duties regarding succession and regency. Under Article IX of the Imperial House Law, if the imperial heir is suffering from an incurable disease of mind or body, or when any other weighty cause exists, the order of succession may be changed with the advice of the Imperial Family Council and the Privy Council.¹² Likewise, under Article XIX, a regency may be instituted upon the advice of the two councils.

As an organ of state, the Council performs its duties only upon the consultation of the emperor. Herein lies the primary distinction between the Privy Council and the cabinet. The

¹¹ *Kempo Teiyo* (1910). Vol. II, 570. Dr. Hozumi-Yatsuka was professor of constitutional law from 1891 to 1912 and dean of the law faculty of the Imperial University of Tokyo from 1898 to 1912. He is not to be confused with Baron Hozumi-Nobushige, the well-known authority on family law and a contemporary member of the same law faculty, who served as president of the Privy Council from 1924 to his death in 1926.

¹² *Genko Horei Shuran* (1927), Vol. I, bk. i, pp. 15-29. An official English translation of the *Koshitsu Tempan*, or Imperial House Law, can be found in Ito, *Commentaries* (1889), 156-167. The Imperial Family Council, as provided in Article LV, consists of the male members of the imperial family who have reached their majority; while the Lord Keeper of the Privy Seal, the President of the Privy Council, the Minister of the Imperial Household, the Minister of State for Justice, and the President of the Court of Cassation take part in the deliberations.

ministers of state take the initiative and voluntarily present their views to the emperor (save in the matters that must first be laid before the Council), whereas the privy councillors can give advice only when consulted by the emperor. Indeed, the prestige of the Council depends entirely upon the emperor, upon the will of the emperor to consult the Council regarding all important affairs of state, and even to follow the advice of the Council when in conflict with the advice of the cabinet. There is nothing in the constitution asserting the superiority of the Council's advice; but the spirit of the constitution, as interpreted by Prince Ito's *Commentaries* (which refers to the Council as "the highest body of the emperor's constitutional advisers,") clearly implies such precedence. On the other hand, there are no constitutional prohibitions upon the emperor; and a progressive emperor, breaking with the past, might, without violating the letter of the constitution, consistently ignore the advice of the Privy Council, whether or not in conflict with that of the cabinet.¹³

Such procedure would be in line with the development of parliamentary government in Japan. For the Privy Council has no responsibility to the Diet. In the constitutional system envisaged by Prince Ito, even the cabinet was independent of the Diet.¹⁴ But the necessities of budgetary legislation and the growth of the democratic spirit during the past forty years have compelled an increasing ministerial responsibility, until at the present time the cabinet is intimately responsible to the two houses, even in such matters as foreign policy. The growth of the parliamentary principle in Japan has made conspicuous the isolation of the Privy Council. It is an absolutely irresponsible body. Even in the case of decisions of the Council con-

¹³ In the words of the *Commentaries* (p. 99): "The Privy Council is to hold deliberations only when its opinion has been asked for by the emperor; and it is entirely for him to accept or reject any opinion given."

¹⁴ The *Commentaries* (p. 93) read: "Who then is it, except the sovereign, that can appoint, dismiss, and punish a minister of state? The appointment and dismissal of them having been included by the constitution in the sovereign power of the emperor, it is only a legitimate consequence that the power of deciding as to the responsibility of ministers is withheld from the Diet."

trary to the proposal of the cabinet and accepted by the emperor, a minister of state must shoulder the political responsibility. No responsibility attaches to either the emperor or the Privy Council. At the same time, the Privy Council has no authority to receive petitions from the people or to question officials, and it possesses no power to issue commands binding the subjects.¹⁵ The privy councillor thus lacks the dual capacity of the minister of state, who on the one hand advises the emperor, and on the other hand administers the affairs of state. The cabinet officer not only participates in a deliberative body, but also has personal charge of the administration of a department of government; the privy councillor has no other function than to debate in an irresponsible consultative body.

III. COMPETENCE OF THE PRIVY COUNCIL

As already indicated, the competence of the Privy Council falls under two heads, the first as an organ of the imperial household, the second as an organ of state. It should be noted, however, that the functions of the Council as an organ of the imperial household are vitally concerned with what under nearly all other modern monarchical constitutions is considered as an affair of state, namely, succession to the throne and the regency. Here the Imperial Family Council and the Privy Council act in a matter of supreme importance to the people as well as to the dynasty.

The competence of the Privy Council in the ordinary affairs of state is defined in the *Sumitsuin Kansei* as follows: "(1) Drafts of law and doubtful points relating to the provisions of the constitution and laws and ordinances supplementary thereto. (2) Proclamation of martial law under Article XIV, and the imperial ordinances issued under authority of Articles

¹⁵ The rules of procedure laid down in the *Sumitsuin Kansei* contain the following: "II. The Privy Council cannot receive petitions, representations, or other communications from the Imperial Diet, from either house of the same, from any governmental office, or from any of His Majesty's private subjects whatever. III. The Privy Council shall have official connection with the cabinet and with the ministers of state only, and officially shall not communicate or have any connection whatever with any of His Majesty's private subjects." *Genko Horei Shuran* (1927), Vol. I, bk. iii, p. 5.

VIII and LXX of the constitution, as well as all other imperial ordinances having penal provisions. (3) International treaties and agreements. (4) Matters relating to the amendment of the organization of the Privy Council, and to the rules for the conduct of its business. (5) Matters specially submitted to its deliberation for advice, in addition to those above mentioned."¹⁶

In the writings of the jurists, this competence is usually classified in three divisions.¹⁷ The first pertains to the interpretation and amendment of the constitution, and includes the authority to advise upon: (1) drafts of amendments to the constitution, (2) drafts of laws and ordinances supplementary to the constitution, and (3) questions referred to the Council regarding the interpretation of the constitution. The second category concerns the competence of the Privy Council in lieu of the Imperial Diet. Under the constitution, certain powers are exercised ordinarily by the Diet, but in case of inability to convoke the Diet, the Privy Council may act. This quasi-legislative competence is comprehended under two heads, namely: (1) concerning those powers to be exercised only when the Diet is not in session, including the approval of emergency imperial ordinances as provided under Articles VIII and LXX of the constitution, and (2) concerning those powers to be exercised irrespective of the sitting of the Diet, such as approval of imperial ordinances declaring a state of siege (martial law), ordinances carrying a penalty, and treaties and international agreements.¹⁸ The third category in-

¹⁶ Imperial Ordinance No. 216 of 1890, issued on October 8, 1890, amending the ordinance of April 28, 1888. *Genko Horei Shuran* (1927), Vol. I, bk. iii, p. 5. For an English translation, see *Japan Weekly Mail*, Oct. 25, 1890, p. 411.

¹⁷ Compare Minobe, *Kempo Seigi* (1928), pp. 551-562; *Gendai Kensei Hyoron*, or "Commentaries on Contemporary Government," (Tokyo, 1930), pp. 72-107; Iehimura, *Teikoku Kempo Betsu* (1926), pp. 657-658; Shimizu-Cho, *Kempo Hen* (1923), p. 1001; and his article on "The Privy Council" in *Kokka Gakkai Zasshi*, or "Journal of Political Science," (March, 1909), Vol. XXIII, no. 3, pp. 335-346.

¹⁸ The constitution provides: "Article VIII. The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, imperial ordinances in the place of law. Such imperial ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said ordinances, the Government shall declare them to be invalid for the future. Article LXX. When the Im-

cludes the self-governing competence of the Council, namely, approval of ordinances governing the organization and powers of the Council, and rules for its conduct of business.

All measures come before the Privy Council by means of a message from the emperor; the cabinet does not directly lay its proposals before the Council, although unofficially and informally ministers and councillors make suggestions to each other. There are two forms for the submission of these measures to the Council's consultation. One is that of a draft drawn up by the cabinet. All proposed laws, ordinances, and treaties submitted for ratification take this form. The other form consists merely of a request for the opinion of the Council on a question. It is by this method that queries of interpretation of the constitution and the laws come before the Council.

While the language of Article LVI of the constitution vaguely indicates that the privy councillors shall "deliberate upon important matters of state when they shall have been consulted by the emperor," the text of the *Sumitsuin Kansei* implies that the emperor will submit every measure embraced under the categories therein mentioned to the consultation of the Council.¹⁹ At least, such is the interpretation placed upon the constitutional arrangement by the Council itself and followed by the cabinet in practice.²⁰ Exceptions are few, the

perial Diet cannot be convened, owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the Government may take all necessary financial measures, by means of an imperial ordinance. In the case mentioned in the preceding clause, the matter shall be submitted to the Imperial Diet at its next session, and its approbation shall be obtained thereto."

¹⁹ Article VI of the *Sumitsuin Kansei* reads: "Upon His Majesty's submission for advice, the Privy Council shall hold deliberations and report its opinions upon the following matters." Then follow the six enumerated matters of state.

²⁰ Dr. Uyesugi held to the contrary. "As to the matters over which the Privy Council has competence, the constitution merely refers to important matters of state. Although the *Sumitsuin Kansei* enumerates six items, enumeration does not mean that the competence is confined to these matters, nor does it mean that the emperor must consult the Privy Council in these matters, except in case that the order of succession to the crown is contemplated." *Kempo Jutsugi* (1927), p. 702.

most conspicuous being the emergency imperial ordinances issued in September, 1923, following the great earthquake, which are considered as valid even though not submitted at the time to the Council.

A difficult problem as to the jurisdiction of the Council is raised by the question as to whether this body may amend the draft of an ordinance or law or an act of the Diet submitted to its consideration. Professor Minobe argues, and apparently with logic on his side, to the effect that, inasmuch as a treaty or an act of the Diet has definitely determined content, it admits of no alteration by the Council, which is compelled to approve or reject it as a whole.²¹ As to a draft of an imperial ordinance or draft of a bill before introduction in the Diet—although they may appear to admit of amendment by the Council, nevertheless such procedure is unwarranted, as it permits irresponsible officers to draft governmental measures. Professor Hozumi heads the group of jurists who hold that the Privy Council is well within its powers when compelling the cabinet to re-draft projects of ordinances and laws in conformity with its dictates.²² Practice, it should be added, is on the side of Hozumi.

The function of the Privy Council as guardian and interpreter of the constitution merits special attention. Under the *Sumitsuin Kansei*, this duty is included in three categories, namely: (1) deliberation on draft amendments to the constitution, (2) deliberation on projects of law and ordinances supplementary to the constitution, and (3) interpretation of the constitution, laws, and ordinances supplementary to the constitution.²³

Now the amendment of the Japanese constitution is a question that intimately touches the sovereignty of the emperor.

²¹ *Kempo Seigi* (1928), p. 562. Dr. Minobe-Tatsukichi has served since 1903 as professor of administrative law and constitutional law on the faculty of the Imperial University of Tokyo, and as dean of this faculty from 1925 to 1927. He is the founder of the new school of Japanese jurisprudence.

²² *Kempo Teiyo* (1910), Vol. II, p. 580.

²³ Compare Minobe, *Gendai Kensei Hyoron* (1930), pp. 81-82; Ichimura, *Teikoku Kempo Ron* (1926), pp. 559-660.

According to the preamble and Article LXXIII of the constitution, amendment can be undertaken only on the initiative of the throne.²⁴ This does not mean that the cabinet may not undertake the drafting of amendments. Indeed, the ministers of state are responsible to the emperor for preserving the constitution by proper amendments whenever the necessity arises. But drafts of amendments must be submitted to the Council before being presented to the emperor. If approved by the Council, they will be offered to the emperor with the advice that by imperial order they be submitted to the Diet. Thus the Council constitutes one of the four deliberative bodies which must pass upon a proposed amendment before adoption.

In many countries with written constitutions, the governmental system is frequently modified by laws and ordinances supplementary to the constitution without having to labor with formal amendments. This is true of Japan. The Law of the Houses, the Electoral Law of the House of Representatives, and the Law Concerning Organization of the Courts, together with the Imperial Ordinance Concerning the Organization of the Privy Council, the Imperial Ordinance Concerning the House of Peers, the Imperial Ordinance Concerning the Organization of the Cabinet, and the Imperial Ordinance Concerning Forms of Public Documents, are examples of supplementary constitutional law. Drafts of amendments to any of these ordinances must be submitted by the cabinet to the Council, and this body has not proved to be backward in criticizing and proposing changes in the projects. Likewise, the cabinet

²⁴ The preamble of the constitution provides: "When in the future it may become necessary to amend any of the provisions of the present constitution, we or our successors shall assume the initiative right, and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present constitution, and in no otherwise shall our descendants or our subjects be permitted to attempt any alteration thereof." Article LXXIII provides: "When it has become necessary in future to amend the provisions of the present constitution, a project to that effect shall be submitted to the Imperial Diet by imperial order. In the above case, neither house can open the debate, unless not less than two-thirds of the whole number of members are present, and no amendment can be passed unless a majority of not less than two-thirds of the members present is obtained."

must submit to the Council drafts of proposed laws supplementary to the constitution before they are introduced in the Diet. Inasmuch as the House of Representatives and the House of Peers may amend these bills or introduce substitute bills, the cabinet finds itself doubly scrutinized in this field of legislation.

In still one other manner the Privy Council seems to have authority as a "palladium of the constitution." It has been customary for jurists to refer somewhat mysteriously to the Council's power to end constitutional controversies through its interpretation of the constitution.²⁵ They have in mind the authorization of the Council to report upon the "doubtful points relating to the provisions of the constitution and laws and ordinances supplementary thereto." As Professor Minobe has prudently indicated, this provision is not to be interpreted as a grant of power vesting the Council with the authority of a court of constitutional controversies like the American judiciary.²⁶ Such authority may be conferred only by virtue of a provision in the constitution, and not by an imperial ordinance. Moreover, the Council does not have a monopoly upon the right to interpret the constitution and laws and ordinances. Every day, the cabinet, both houses of the Diet, the Board of Audit, to say nothing of the Administrative Court and courts of law, interpret the constitution and laws and ordinances, all of them acting independently of each other and in their respective jurisdictions.

The right to address the throne is highly prized in Japan; the provision of Article XLIX of the constitution providing that "both houses of the Imperial Diet may respectively present addresses to the emperor" has been warmly cherished by both liberals and conservatives from the beginning of the constitutional monarchy. Thus it was not unexpected that, during conflicts between the House of Representatives and the Peers, or with the cabinet, appeals should be made to the emperor for an interpretation of the constitution. Such an occa-

²⁵ Compare Hozumi-Yatsuka, *Kempo Teiyo* (1910), Vol. II, p. 569.

²⁶ *Gendai Kensei Hyoron* (1930), pp. 88-89.

sion arose in the third Diet, when the House of Representatives and the Peers collided over the competence of the Peers to amend an amendment of the Representatives to the budget. To end the deadlock, the Peers presented an address to the throne praying for an interpretation of their constitutional powers.²⁷ The address was referred by the emperor to the Council for advice, and the Council's reply to the effect that the Peers had authority to re-insert items stricken out of the budget by the lower house was incorporated in the imperial edict which the emperor sent to the Peers.²⁸

Despite this precedent, it has not become common practice to address the throne for interpretations of the constitution. The pronouncements of the Council, therefore, are thus limited chiefly to the projects and questions submitted by the cabinet. The ministers voluntarily may refer questions of constitutional doubt.²⁹ At the same time, it is mandatory to submit all laws and ordinances supplementary to the constitution, as well as emergency ordinances, many of which involve constitutional questions.

The Privy Council acts, not only as the emperor's supreme interpreter of the constitution, but also as his adviser on the ratification of international treaties. In most parliamentary governments, the legislature plays an important rôle in treaty-making, either by its support of the ministry or by votes of

²⁷ *Dai Nippon Teikoku Gikaishi*, or "Parliamentary Records of the Imperial Japanese Diet," (Tokyo, 1926), Vol. I, p. 1743. During the debate in the House of Peers over the address, no reference was made to the Privy Council. The emperor was assumed to be the interpreter of the constitution.

²⁸ *Dai Nippon Teikoku Gikaishi* (1926), Vol. I, p. 1750. The address was voted on June 11, 1892. The imperial edict was dated June 13. Regarding this controversy, compare Kudo, *Teikoku Gikaishi* (1901), Vol. I, pp. 152-158.

²⁹ Compare Minobe, *Gendai Kensai Hyoron* (1930), pp. 89-92. On paper, the Council possesses a judicial function. According to Article XLV of the Law Concerning Administrative Litigation, it is provided that until the establishment of a court of jurisdictional litigation, the Privy Council is to decide controversies concerning conflict of jurisdictions. Thus far, no legislation providing for procedure in the submission of cases has been passed; hence there is no provision for instituting suits. Cf. Minobe, *Kempo Seigi* (1928), p. 563; *Gendai Kensai Hyoron* (1930), p. 107.

ratification. Under the Japanese constitution, the Diet has no share in the negotiation and ratification of treaties, which according to Article XIII belong to the prerogative of the emperor.³⁰ In practice, the ministry negotiates treaties, while, by virtue of the *Sumitsuin Kansei*, the Privy Council advises the emperor as to ratification.

Finally, reference should be made to a consultative faculty of the Privy Council which has never fully blossomed. There have been numerous occasions when councillors were consulted in regard to the selection of a premier. Evidently Prince Ito, among others, believed that the custom should be permanently established. At any rate, in a memorandum prepared about the time of the first Saionji ministry (1905-08), he made note of the fact that the Genro was reduced to four Elder Statesmen and suggested that after their death it would be well to transfer the consultation on cabinet changes to the Council.³¹ About the same time, we are told, Baron Sakatani proposed to Premier Saionji that after the death of Yamagata, Ito, and Matsukata, the Genro be discontinued and that advice as to the selection of premiers be left to the president of the House of Peers, the president of the Privy Council, and the Lord Keeper of the Privy Seal.³² One by one, the Genro have passed away without successors taking their places, until now only Prince Saionji, born in 1839, remains.³³ He is still consulted in the selection of new ministries. But no formal steps have been taken to transfer the Genro's unique function to the Privy Council after his demise.

Formerly it was not unusual for the president of the Council to be asked by the emperor to fill the post of premier dur-

³⁰ Compare article by the writer on "The Treaty-Making Power in Japan" in *American Journal of International Law*, Vol. XXV, pp. 270-297 (April, 1931).

³¹ Hiratusuka-Atsushi (ed.), *Ito Hirobumi Hiroku*, or "Secret Memoirs of Prince Ito," (Tokyo, 1929), p. 61. In the same memorandum, Prince Ito suggested an amendment to the *Sumitsuin Kansei* increasing the membership of the Council to fifty.

³² *Ito Hirobumi Hiroku*, p. 62.

³³ Marquis Okuma and Prince Yamagata died in 1922, and Prince Matsukata in 1924.

ing the interim between the resignation of one ministry and the appointment of the succeeding one. On three occasions, Prince Saionji as president of the Council served in this capacity. In recent years, however, the emperor instructs the outgoing premier to hold office until his successor is appointed—a practice more comfortable with parliamentary government.

IV. ORGANIZATION AND PROCEDURE OF THE PRIVY COUNCIL

The organization of the Privy Council is comparatively simple. According to Article II of the original *Sumitsuin Kansei*, the Council is composed of a president, vice-president, and twelve or more councillors, appointed by the emperor, together with a secretary-general and a secretariat. Under the amendment to the *Sumitsuin Kansei* of 1930, the number of councillors was increased to twenty-five. By virtue of their office, the ministers of state are entitled to sit in the Council as councillors and vote as well as debate. Ministers may also be represented by deputies with the right to speak but not to participate in the decisions. Debates are decided by a majority vote of the members present.

It was the intention of the framers of the constitution that the ministers of state should always be in a minority in the Council. In 1889, when the cabinet numbered ten, the Council was composed of fourteen; today, when the cabinet has increased to thirteen, the Council, with twenty-four members, shows an even greater preponderance of privy councillors. While the quorum for a plenary session of the Council is only ten, the fact that councillors are paid handsome salaries makes them assiduous in rendering service to the state and causes the meetings to be well attended, thus obliterating any expectation of the cabinet's outvoting the councillors. The Council has frequently pressed for increase of membership. A strong cabinet turns a deaf ear to such demands, while a weak cabinet is tempted to buy some immediate concession by acquiescence.³⁴

³⁴ It appears that in the last months of the tottering Tanaka ministry some sort of promise was made by the premier for an increase of two seats. When the Hama-

When the Hamaguchi ministry in 1929 refused to accede to the demand of the Council for an increase of two seats, the councillors in turn brought forward a proposal to amend their regulations so as to deprive the ministers of their votes.³⁵

According to the *Sunkitsuin Kansei*, the appointment of the councillors is made by the emperor. This provision, however, has no unusual significance, for the emperor personally appoints every officer of *Shinnin* rank. As in all matters of state the emperor acts only upon advice, so in the matter of appointing the councillors the emperor consults and follows the recommendation of his advisers. His chief counsellors in this matter appear to be, in the first place, the premier and the ministers of state, second, the Genro and Imperial Household Minister, and third, the councillors. In practice, when there is a vacancy the cabinet takes the initiative, consults the Genro, and informally presents a candidate. Conversations are then opened with the president and other councillors, and when agreement is reached, the premier makes a formal recommendation of the nominee to the emperor. In practice, no nomination is made to the emperor without the approval of the president of the Council.

In recent years, the Government has not acted as promptly in filling vacancies as privy councillors have desired, and it is not unknown for the president to call upon the premier and urge more haste.³⁶ As in the matter of increasing the membership of the Council, so also in regard to appointments, a weak cabinet will permit a considerable amount of dictation

guchi ministry took office in July, 1929, the councillors attempted to compel redemption of the alleged promise. The cabinet decided that inasmuch as the new ministry had not been informed of the alleged promise by the outgoing cabinet, it was not bound to consider the question. *Tokyo Asahi Shimbun*, Sept. 4, 1929, p. 3; *Fiji Shimpō*, Sept. 5, 1929, p. 6; *Japan Weekly Chronicle* (Kobe), Sept. 12 and Oct. 10, 1929, pp. 291, 398.

³⁵ *Tokyo Asahi Shimbun*, Sept. 24, 1929, p. 1; *Japan Weekly Chronicle* (Kobe), Sept. 26, 1929, p. 349.

³⁶ For instance, in 1929, when the death of Marquis Inoue increased the vacant seats to four, Baron Kuratomi called upon Premier Hamaguchi at his official residence requesting more expedition. *Tokyo Asahi Shimbun*, Nov. 5, 1929, p. 6; *Japan Weekly Chronicle* (Kobe), Nov. 14, 1929, p. 526.

from councillors, while a strong cabinet will keep the nomination in its own hands. Some ministers of state have recently declared that the cabinet should abandon the practice of consulting the councillors before making nominations to the throne.³⁷

The volume of business passed by the Council is considerable. Projects of laws and ordinances, and treaties and other questions submitted from time to time, keep the councillors in Tokyo the greater part of the year. Ordinary sessions and committee meetings are held in the office of the Council in Marunouchi; the plenary sessions, in which decisions are rendered in the presence of the emperor, are held in a hall of the imperial palace.

The assignment of matters for consultation is by means of imperial message, accompanied by appropriate documents prepared by the cabinet. On the theory that the time of aged councillors can be conserved by energetic juniors, the president, vice-president, and secretariat make a preliminary investigation of each subject and decide whether the appointment of a special committee of inquiry is required. Most important subjects, like the ratification of treaties, are referred to a committee of nine or ten members. Here the actual work of the Council is performed. The cabinet officers are called before the special committees to explain the project of the Government, and are often submitted to gruelling examination. Finally, the report of the special committee is made to the Council in plenary session in the presence of the emperor; and, although a debate thereon may ensue, invariably the Council adopts the recommendation of the committee. Since councillors who are not members of the special committee are by usage excluded from the sessions of the committee, the majority of councillors are not familiar with the committee's report before it is rendered in plenary session. The fact that the recommendation of the committee never fails of adoption is perhaps some evidence of the agility of the group of veterans who lead the Council.

³⁷ *Tokyo Asahi Shimbun*, Sept. 4, 1929, p. 3.

The president of the Privy Council is an outstanding official.³⁸ In the words of the *Sumitsuin Kansei*, "the president shall have the supreme control of all the business of the Privy Council." He presides over the deliberations, directs the secretary-general and participates in the debates, and in case of a tie vote, has the deciding voice.³⁹ But, most important of all, the preliminary investigation of subjects referred to the Council is in his hands; he appoints the special committees to investigate the measures submitted by the Government; and he determines the time of meeting and order of business when the Council meets. The power wielded by the president in regard to ordering the business of the Privy Council is illustrated by the delay of Baron Kuratomi to appoint a special committee to consider the ratification of the London Naval Treaty in 1930.⁴⁰ By the selection of the special committee, the president can exercise a considerable degree of control over the report of this committee—an important consideration, since as already indicated, the Council invariably adopts the report of the committee. It is not unusual for the president to appoint himself chairman of the special committee, as did Prince Yamagata in 1905 when the Portsmouth Treaty came up for ratification.

Finally, the Privy Council renders its decisions collectively to the emperor, not individually. Most Japanese jurists are agreed that, inasmuch as the Council is a deliberative organ, no privy councillor has the right to express his own opinion to the emperor.⁴¹

³⁸ The presidents of the Council have been: Prince Ito, 1889-90; Count Oki, 1890-92; Prince Ito, 1892; Prince Yamagata, 1893-95; Count Kuroda, 1895-99; Prince Saionji, 1899-1904; Prince Ito, 1904-05; Prince Yamagata, 1905-22; Viscount Kiyoura, 1922-24; Viscount Hamao, 1924; Baron Hozumi, 1924-26; Baron Kuratomi, 1926 to date.

³⁹ Objections are sometimes expressed in the liberal press as to the influence exerted, not only by the president and vice-president, but also by the secretary-general. Regarding the activity of the present incumbent, Futakami-Hyoji, see the *Nichi Nichi Shimbun* (Tokyo), Oct. 1, 1930, p. 7.

⁴⁰ For this delay, the president was mildly rebuked by another councillor, Viscount Ishii. *Tokyo Asahi Shimbun*, Aug. 8, 1930, p. 1; Oct. 2, p. 1. Compare *Japan Weekly Chronicle* (Kobe), Aug. 14 and Oct. 9, 1930, pp. 198-200, 422-423.

⁴¹ Compare Ichimura, *Teikoku Kempo Ron* (1926), p. 657. Professor Hozumi may be cited as among the few jurists who hold to the contrary, on the ground

As provided in the regulations of the *Sumitsuin Kansei*, the secretariat keeps a stenographic record of the proceedings of the Council. An injunction of secrecy is placed on the debates and votes. For many years, this rule was scrupulously observed. But following the advent of the Council into politics, the debates and votes have become almost public property. Despite the oft-repeated warnings of the president that members must not divulge the proceedings, in some occult way the newspapers are able to publish, not only full accounts of the speeches, but also a record of the votes cast. A general similarity of information throughout the press seems to indicate common sources of communication; and the accuracy of these press reports is generally assumed, even in references to the Council from the rostrum of the House of Representatives.⁴²

V. THE CABINET AND THE PRIVY COUNCIL

In the view of the framers of the constitution, there was no relationship of opposition between the Privy Council and the cabinet. In theory, harmony was accentuated by the fact that the ministers of state are by virtue of their office members of the Privy Council, and, accordingly, the decisions of the Council are acts in which the ministers have participated. In practice, during at least the first decade under the constitution, and perhaps longer, harmony was promoted by the fact that the Council and the cabinet represented very largely the same controlling forces in Japanese politics. The Choshu clan did not dominate one organ, and the Satsuma clan the other, or militarists as opposed to civilians. The personnel of the two bodies was homogeneous. How this situation became altered will be discussed elsewhere. What should be examined here is

that the constitution does not deny this privilege to the councillors. *Kempo Teiyo* (1910), Vol. II, p. 567.

⁴² Compare the interpellation of Saito-Takao on March 2, 1929, *Kwampo gogai*, March 3, 1929, p. 536. Baba-Tsunego states that the leak in the news of the debates in the Council is on the side of the privy councillors rather than the ministers. Cf. "Elder Statesmen and the Privy Council," in *Taiyo* (Nov., 1927), Vol. XXXIII, no. 13, p. 96. Ministers, however, have been known to tell tales.

the functional relationship between the two organs tending to promote coöperation or subserviency on the part of either one.

The Council has frequently been called "a third house."⁴³ In some respects, the sobriquet is not unfitting. For the Council has opportunity to play a rôle, not only in legislation, but also in the supervision of the executive. The Council has an extensive amending power. As to treaties and bills that have passed the Diet, the Council cannot recommend amendment, for the reason that the text is already determined. It can only advise approval or rejection *in toto*. There is one exception. The Council can and has, on occasion, like the American Senate, recommended ratification of treaties with a qualifying declaration or reservation. As to projects of law submitted to the Council before introduction in the Diet, the Council has opportunity for securing amendments. This also applies to drafts of ordinances submitted for approval. The Council does not hesitate to propose modifications to the Government—proposals that have considerable weight in view of the Council's power to recommend rejection in case the drafts are not amended. Demands for amendment are usually made in the special committees of inquiry appointed to consider the measure. Here also are made the informal suggestions to the Government to withdraw measures upon which the committee expects to make unfavorable reports in plenary session. Such suggestions are more often followed than declined.

In this manner the Privy Council exerts considerable influence on legislation, an example being the amendments which the Privy Council has compelled the Government to accept in nearly every electoral bill down to the present time. At the same time, the Council exercises a large degree of supervision over the administration. An instance of such superintendence occurred at the time of the approval of the emergency imperial ordinance for a revision of the Peace Preservation Law submitted by the Tanaka ministry in 1928 during the Communist scare. On this occasion, after warning the Government

⁴³ Compare Baba-Tsunego, "Elder Statesmen and the Privy Council," *Taiyo* (Nov., 1927), Vol. XXXIII, no. 13, p. 88.

that it must discontinue attempts to amend the statute-book so shortly after adjournment of the Diet by means of emergency imperial ordinances, the Privy Council laid down a program for dealing with the control of "dangerous thoughts," including educational reform, development of a social policy, and perfection of the police system—a program which the Government was compelled to accept.⁴⁴ Again in 1925, when the Council approved the manhood suffrage bill of the Kato ministry, this approval had joined to it three recommendations as to administrative policies which should accompany the extension of the suffrage, namely, (1) measures to combat the spread of radical ideas, (2) promotion of education, and (3) strict supervision of elections.⁴⁵

These attempts at supervision extend not only over domestic policy, but also over foreign policy, as witness the recent attempt of Count Ito-Miyoji and a group of councillors to compel the Government to carry out the so-called "positive policy" in China. There is evidence that the refusal of the Council in 1927 to approve the emergency imperial ordinance of the Wakatsuki ministry for the relief of the Bank of Formosa was partly due to the intention of these councillors to force upon the Government a more drastic Chinese program.⁴⁶ The episode led to the fall of the Wakatsuki cabinet and the advent of the more militaristic ministry of General Tanaka.

It is difficult to determine the border-line of the Council's supervisory authority. The *Sumitsuin Kansei* (Article VIII) plainly states that "though the Privy Council is the emperor's highest resort of counsel, it shall not interfere with the executive." Viewed strictly, this provision would preclude any decision of the Council that thwarts a ministerial policy. Minobe and most of the jurists, however, interpret the provision as not denying the Council any interference with gov-

⁴⁴ *Tokyo Asahi Shimbun*, June 23, 28, 29, and 30, 1928, p. 3; *Japan Weekly Chronicle* (Kobe), July 5, 1928, pp. 24-25, 29.

⁴⁵ *Jiji Shimpō*, Feb. 20, 1925, p. 1; *Tokyo Asahi Shimbun*, Feb. 20, 1925, p. 3; *Japan Weekly Chronicle* (Kobe), Feb. 19 and 26, 1925, pp. 242, 271.

⁴⁶ *Tokyo Asahi Shimbun*, April 18, 1927, p. 1; April 19, p. 3; *Jiji Shimpō*, April 19, 1927, p. 1.

ernment, but rather a prohibition upon direct execution of administrative powers. Particularly is this the case in regard to the Council's function as interpreter of the constitution. In the words of this distinguished authority: "Since it is the most important duty of the Privy Council to protect the constitution, if it believes a proposed emergency imperial ordinance to be contrary to the fundamental law, the Council does not transcend its competence by reporting the unconstitutionality of the measure to the emperor, even if such report may lead to a change in cabinet. So far as the Privy Council is concerned, the safeguarding of the constitution is more important than the preservation of a ministry."⁴⁷

Another far-reaching constitutional question is raised by the impact of the Council against the cabinet. In case the ministers are outvoted by the councillors, may the cabinet advise the emperor to disregard the Council's recommendation? Among jurists and statesmen, there are two opposing views. One is that, while theoretically the cabinet has the power to advise the emperor to reject a decision of the Privy Council and adopt the Government's opinion, politically the cabinet should not advise the emperor to do so.⁴⁸ The following reasons are advanced. First, such procedure would be illogical, inasmuch as the ministers of state participate in the deliberations of the Privy Council. Second, the preamble of the *Sumitsuin Kansei* refers to the Council as the "supreme counsel" of the emperor, and thus no other advice should be permitted to transcend that of the Council.⁴⁹ Third, if the cabinet should advise the throne contrary to the recommendation of the

⁴⁷ Minobe, *Gendai Kensei Hyoron* (1930), p. 120; *Kokka Gakkai Zasshi*, Vol. XLI, no. 9, p. 1383. Compare his *Kempo Seigi* (1927), p. 556.

⁴⁸ Minobe, *Kempo Seigi* (1928), 558; and his *Gendai Kensei Hyoron* (1930), pp. 114-118.

⁴⁹ The preamble of the *Sumitsuin Kansei* reads: "Whereas we deem it expedient to consult personages who have rendered signal services to the state, and to avail ourselves of their valuable advice on matters of state, we hereby establish our Privy Council, which shall henceforth be an institution of our supreme counsel; and we hereby also give our sanction to the present ordinance relating to the organization of the said Privy Council and to the regulation of the business thereof, and order it to be promulgated."

Council, the emperor will be placed in the awkward position of having to choose between two conflicting counsels, and such procedure would be incompatible with the Japanese principle of the non-responsibility of the emperor. Thus, even if a minister of state is convinced that the decision of the Council is not sound, he should conform to it and assume responsibility therefor as long as he remains in office. If a minister proposes not to assume responsibility for any decision of the Council, even for those taken against the cabinet's advice, there is no recourse except resignation from office. In practice, the cabinet should seek to reach a compromise with the Council, redrafting the questionable projects or withdrawing them; and if compromise fails, the only step is that of resignation.

In opposition, other jurists have held that the cabinet may recommend to the throne that the Council's decision be disregarded. Dr. Oda-Man, for instance, admits that it is contrary to the spirit of the Japanese constitution to place any responsibility upon the emperor.⁵⁰ Nevertheless, the imperial sanction is merely a form; it is given upon the advice and assistance of organs of the executive. The ministers of state have the duty to assist the emperor, and in case their advice meets the opposition of the Council, the cabinet may petition the emperor to adopt their views rather than the Council's. In any event, responsibility for a decision taken in the matter, even if the emperor chooses between alternatives, must be borne by the ministers. Much the same view is expressed by Ichimura, Sasaki, and other jurists.⁵¹ A considerable number of

⁵⁰ Article on "Functional Aspect of the Privy Council," in *Taiyo*, Vol. XIX, no. 11 (Aug., 1915), pp. 103-113. Dr. Oda is professor of administrative law in the Imperial University of Kyoto. In 1921, he was elected a member of the Permanent Court of International Justice at The Hague.

⁵¹ Ichimura-Kokei, *Teikoku Kempo Ron* (1926), p. 658. Ichimura discusses the complicated question raised by the fact that the *Koshikirei*, or Ordinance Concerning the Form of Public Documents (1907), requires a statement in the preamble of imperial edicts promulgating emergency imperial ordinances and certain other ordinances, as well as treaties, to the effect that these measures have received the advice of the Privy Council. *Senzo Horei Shuran* (1927), Vol. I, bk. i, p. 45. Does "advice" in this case mean consent? Ichimura answers in the negative.

jurists also hold that the premier may recommend the dismissal of any councillor who consistently opposes the Government.⁵² This view has been urged in the House of Representatives by the veteran Ozaki-Yukio.⁵³

It is not to be assumed that the Council and the cabinet are in continual conflict. If so, government would come to a standstill. Ordinarily, if differences of opinion develop, the premier hastens to the official residence of the president, or *vice versa*, to preserve the mysterious "understanding" between the cabinet and the Council that is often referred to in the press. It has been estimated that without an "understanding" with the Privy Council more than half the business of the cabinet could not be conducted.⁵⁴ Clashes have greatly increased in recent years, but even today the two branches of government frequently work hand in glove, and it is not unusual for the cabinet to use the Council as a convenient means for suppressing measures that it does not desire to introduce in the Diet, or to approve legislation in the form of emergency imperial ordinances which would have small chance of enactment in the Diet under the watchful eyes of an alert opposition in the House of Representatives. It did not break the heart of the Tanaka ministry when the special committee of the Council insisted that the Government withdraw the Law Courts Bill which aimed at a much-needed reform in freeing the ju-

The emperor is not bound by the recommendation of the Privy Council, for the Council is merely an advisory body. The proclamation of a measure of the category above mentioned must state that it has been submitted to the Council; but this requirement does not restrict the emperor from following other advice. Compare Dr. Sasaki-Soichi, "Reform of the Privy Council," *Tokyo Asahi Shimbun*, Oct. 16, 1930, p. 2; Dr. Yoshino-Sakuzo, "The Privy Council," *Chuo Koron*, No. 473 (June, 1927), pp. 103-117; Dr. Shimizu-Cho, "The Privy Council," *Kokka Gakkai Zasshi* (March, 1909), Vol. XXIII, no 3, pp. 345-346. Dr. Shimizu is judge of the Court of Administrative Litigation.

⁵² Baba-Tsunego, "Personalities in the Privy Council," *Kaizo*, Vol. XII, no. 10 (Oct., 1930), p. 34.

⁵³ *Kwampo gogai*, or "Imperial Gazette" (supplement), Mar. 8, 1927, pp. 69-70.

⁵⁴ Yoshino-Sakuzo, "Appraisal of the Houses of the Diet," *Chuo Koron* (April, 1929), no. 495, p. 65.

diciary from administrative interference.⁵⁵ In this case it was the minister of justice, the author of the bill, who had the unenviable task of requesting the emperor on behalf of the cabinet to command the Council to return the draft of the bill. Nor did the Tanaka ministry hesitate to use the Council in 1928 to revise by an emergency imperial ordinance the Peace Preservation Law adding the severe penalty of death to "dangerous thinkers." The draft of the ordinance was submitted barely a month after the adjournment of the Diet, and the need for protection against "dangerous thoughts" was no greater in June than it had been in the previous April or May. Although the constitution (Article VIII) requires emergency ordinances to be approved by the next session of the Diet if they are to be valid for the future, ministries find it comparatively easy to secure approval of an ordinance which has been on the statute-book for nearly a year. These legislative tricks are roundly condemned in the liberal press; while the progress of parliamentary government has increasingly exposed the incongruity of such procedure.

⁵⁵ *Tokyo Asahi Shimbun*, March 1, 2, and 13, 1929, pp. 1, 2, 6, 7; *Japan Weekly Chronicle* (Kobe), March 21, 1929, pp. 384, 346.

A NOMENCLATURE IN POLITICAL SCIENCE

CHARLES H. TITUS

University of California at Los Angeles

PART II*

A nomenclature is a system of names or signs, or both, used in any field of knowledge. Such systems are of value to scientists in a field if they enable positions to be seen more clearly or distinctions to be drawn more readily.

In a recent article, Huntington Cairns says: "There prevails, secondly, confusion with respect to the instrument—linguistics—with which the anthropologist, the jurist, or the social scientist must pursue his investigations and through whose medium he must state his conclusions. . . . But once the social scientist passes from these simple aspects to the realm of theory, linguistics becomes a problem and it is in his struggle with this problem that he is most envious of the symbolism of the mathematician."¹

Confusion and uncertainty appear to be present in several sections of political science. Linguistics is a problem for us in theory; in addition, it is a serious one in teaching and in the field of research.

When a problem appears in a field of knowledge which handicaps effective work, experiments are in order, not only to analyze the phenomenon itself, but, in addition, to find ways or means by which the causes producing the unfortunate circumstance may be removed, or at least reduced. Can the apparent confusion and uncertainty among political scientists concerning the meaning of terms, labels, or intellectual positions be reduced? This is an important problem which directs our attention to the possibility of developing a nomenclature for political science.

No doubt the idea of a nomenclature in political science came from using symbols found in certain fields of knowledge, and from observing the apparent advantages which appear in some of the sciences as a result of the possession of a nomenclature. Scientists in fields having nomenclatures told us of the advantage of possessing such systems. The idea, however, was not

* Part I of this article appeared in the February, 1931, issue of this *Review*.

¹ "Law and Anthropology," *Col. Law Rev.*, XXXI, 39 (Jan., 1931).

to have a nomenclature because other scientists possessed them, but rather to experiment to determine whether a system of symbols might have utility for the political scientist.

The experiment here reported has been carried on since the fall of 1926. In the first year, the use of a very crude and elementary set of symbols proved to possess utility for the student using them. They have been revised and rearranged. Their uses have been extended from research to theory, and from theory to teaching, with interesting and valuable results. Others have experimented with symbols and sets of notation. An exchange of ideas might be beneficial to the parties concerned.

In introducing once again this system, with statistics, accounting, and cryptography as important background influences, it should be noted that no attempt is made to establish, at the present time, a purely mathematical nomenclature. On the contrary, certain symbols, e.g., ξ , and some methods are definitely non-mathematical; for example, the use of exponents and one of the methods suggested in measuring the relative utility of two hypothetical procedures.² In so far as mathematical symbols or methods are helpful, they have been and will be used. Perhaps at some future time a mathematical nomenclature will be developed which will satisfy the envy of the theorists in the social sciences; but it is doubtful whether it could be done at the present time, as will be noted in a subsequent section.

In Part I, after a general discussion of nomenclature, four primary symbols and several of the auxiliary ones were presented. Alpha, beta, and gamma were introduced as three canopy symbols covering, respectively, the three fields of (1) *assumptions*, or postulates, (2) *methods*, which include instruments used, and (3) *control* programs or devices. Each of these factors needs to be carefully considered early in approaching many of the problems in political science. h is the symbol for the human organism. While presenting this symbol, the non-mathematical use of exponents was introduced which provided for an arbitrary and qualitative range extending from 5 down to -5 .³

² See Part I, p. 50.

³ A friend maintains that all government officials are to be classified as h^4 . Another suggests that they are merely a rough cross-section of a given society,

In presenting the remaining important symbols of this nomenclature, it has been found helpful on several occasions to arrange them in groups and consider them a section at a time. This method has helped to bring out the fact that one can use three symbols or eight. It is not necessary to use the entire set at any one time, or in connection with any one problem. The first group of symbols consists of A , U , O , Z , and \star .

A is a unitary symbol standing for an *act* or an *activity* of the human organism— h . On the one hand, in the course of a day or a week man performs many different activities; but, on the other hand, it is doubtful whether any human organism ever performs all the activities.⁴

U is a unitary symbol standing for a collection, or a *union*, of human organisms bound together for one purpose or for a variety of purposes. A commonality of *activity* may be the basis for the establishment of a *group*. Most human organisms belong to two or more *groups*, but not to all groups.⁵ There may be as many groups as there are activities.

O is a canopy symbol representing a collection of more or less integrated groups. *Society* is a fairly satisfactory label to introduce one to the content of O . It has been found helpful to define O as a number of groups of human organisms, so constituted that the members, though not belonging to all of the groups, belong to a sufficient number so that they, the human organisms, feel the pressure of similarity, and express, through activities, the spirit of unity. However, this is not the definition of O , but the definition $O_{[Titus]}$.⁶

Z is another unitary symbol standing for a human organism

and consequently vary qualitatively from h^4 to h^{-4} . Neither of these positions may be important, but, from the pragmatic standpoint, it makes considerable difference which of the two a) is a basis underlying a given study or discussion. It is valuable to have a means of distinguishing clearly between positions occupied by various h) and groups, and also to have a method of presenting concisely the positions under consideration.

⁴ To repeat, using §): A) are activities performed by h . h performs A)); but it is doubtful if any h performs ΣA .

⁵ To repeat, using §): $U = h$, united. h belongs to 2 or more U), but not ΣU .

⁶ $O_{[Titus]} = U$) so constituted that the human organisms, though not belonging to all the groups, do belong to a sufficient number that they, h), feel the pressure of similarity and express through their activities the spirit of unity.

when he is performing activities for another or others. While man occupies the agent,⁷ or servant, position for a group or a society, he is represented by the symbol Z rather than by h .⁸

★ is the symbol for organization. Since organization has been defined as an arrangement of parts or organs, it is represented by five lines so arranged as to present a five-pointed star.⁹

Human Organisms perform *activities*; they belong to *groups*; and they act as agents or servants, as well as principals and masters. They organize themselves into groups, and belong to a society and to an indefinite number of other groups. There are superior groups and inferior societies. These symbols may be of special help to the student of theory, the sociologist, and the teacher.¹⁰

The second group of symbols comes to our attention as attempts are made partially to classify *activities*, or human organisms, on the basis of activities performed. Out of the many different classifications known in political science, the following classes and one discussed in the next group have been used sufficiently to justify one in allocating to each of them a particular symbol. The symbols in this section are B , T , R , Q , and X . P , which is discussed in the next section, might have been placed in this group.

B stands for those activities which have to do with maintenance, economics, or *business*—the support activities carried on by the human organisms for themselves, or their groups, or their society, or any combination of these or other units.¹¹

⁷ It probably would have been more convenient to use the \mathfrak{A} for agency, but as agency is not thought to be as important a factor as activity, the letter in the English alphabet that stands at the other end from A was selected as the \mathfrak{A} for the agent or servant position.

⁸ There are U of Z or ZU as well as Z^2 and Z^{-2} . Z are sometimes called the hired men of O .

⁹ When $U_{[10]}$ is not organized, a diagonal from right to left is superimposed on the ★. ★ $U_{[2]}$ and ★ $U_{[10]}$. This diagonal is also superimposed on the = sign when one wishes to express is *not equal*.

¹⁰ Σh = mankind. Σz = h . $\Sigma h \neq Z$ necessarily. $\Sigma U \neq O$ necessarily. ΣA not performed by h . $h^2_{[leaders]}$ = an important U . ★ U generally \geq effective than ★ U . [These may or may not be true, but one quickly sees a basis of distinction.]

¹¹ $\Sigma BA = A$, but $\Sigma A \neq B$. BA are performed either by h as such or by h as Z for h , U , or one or more O .

T stands for those activities which have to do with education or *training*. These activities are carried on in an organized and an unorganized manner, as well as effectively and ineffectively. Some have to do with the attempted development of the individual, while others are involved in so-called mass movements or mass education.

R stands for the activities which have to do with the supernatural, the unknown, the mystic, or the divine. *Religious* is the adjective frequently used to designate this class of activities.

Q stands for the activities which have to do with the protection of man, of groups, of societies, and of mankind.

X stands for those activities which are not easily or conveniently placed in any of the other classes. This *X* class can be reduced to suit the convenience of each investigator or teacher, provided the last class in the newly arranged classification is an *X* class.

From what has been said in introducing this section of symbols, it is clear that this is not for all purposes a well-rounded classification of activities; on the other hand, it has been convenient and helpful to approach certain problems of political science with these classes of activities.¹²

The third group of symbols is looked upon by many political scientists as being very important and more or less closely related. They are *P*, *S*, *G*, and *W*.

PA) are those activities which have to do either with protection or with the formation of policies for the same or the control of either the protection activities or the formation of policies for protection or any combination of these activities plus *X*. This class perhaps belongs to a classification which is not entirely distinct from the classification under discussion in the preceding section. *P* is very likely unknown, and the above stated

¹² *BZ*) may be interested in *RA*) and *RZ*), not to mention *TA*) and *TZ*). Δ^*RZ) may be *TZ*) as well. *QZ*) may perform *BA*) and *TA*) as well as *QA*).

$$\Sigma RA) \neq \star A) \quad \Sigma \star A) \neq BA) \quad \Sigma A) \div \begin{cases} BA) \\ TA) \\ RA) \\ QA) \\ XA) \end{cases}$$

* Δ stands for a section, some, or a portion of.

definition should have [Titus] in the subscript position. *P* stands for *political*.¹³

S is the symbol for *state*. *G* is the symbol for *government*.

For some time to come, both *S* and *G* will need to be accompanied with subscript brackets indicating the particular definition that is being used.¹⁴

W is the ξ for the important term "law," about which we know so little. We may feel that we know something of Justice Holmes's idea of law—*W* [J. Holmes]—and something of John Austin's—*W* [J. Austin]—; but we have not reached a stage of development in which the term "law"—*W*—is to be defined without a subscript bracket containing the name of the maker or author.

The careful student in political science will not only distinguish sharply between *IGW* and *IOW* or *N¹⁵W* and *INW*, but he will subdivide each of them by means of the subscript brackets containing either the name of the author or a particularized analysis of the meaning placed within the scope of the symbols used.

The fourth group of symbols is associated with an analysis of *G*. Not that this is the only analysis, but it is a fairly common one. The symbols in this section are *L*, *E*, *J*, and *D* or σ . Four phases of government stand out rather prominently in many studies: the legislative, the executive, the judicial, and, more recently, the service.

L stands for the legislative phase or section of government.¹⁶ *E* stands for the executive phase or section of government. *J* stands for the judicial phase or section of government.

$$^{13} \quad PA_{[Titus]} = QA) \oplus *L\mathcal{F}_1) \oplus \left[\frac{A}{QA) \oplus L\mathcal{F}_1) \right] \oplus X$$

It is noted that $PA) > QA)$.

¹⁴ *S* [Titus and Harding] = ΣPA) of an *O* or *S* = ΣPA .

G [Titus and Harding] = ΣPZ) in an *O* or *G* = ΣPZ .

S [Bluntschli] = $\star L$) [unified] $\oplus Y_{[1]} \dagger \oplus$ Sovereignty.

**O* = almost addition, but not quite.

$\dagger Y_1$ = Territory, as explained below, p. 635.

¹⁵ *N* = National or Nationalism.

¹⁶ There are several important \mathcal{F}) centering around the *L* program. One of these, the policy-forming \mathcal{F} , has been given the subscript numeral 1. *L* \mathcal{F}_1 = policy-forming function of the legislature.

From time to time, and perhaps at an increasing rate, societies have been asking their respective governments, or the governments have been assuming that they have been asked, to serve them by performing certain activities, and by carrying on certain programs, which can hardly be placed in the protection category.

In the earlier stages of this work, the letter *D* was used to represent administrative activities, and these were defined as service activities in contrast with the protection activities; but of late it has been thought more helpful not to confine *D* to one definition, and to use the small Greek letter sigma, σ , to stand for the service activities. Distinct advantages are appearing as a result of this change. There is greater elasticity in the use of *D*.¹⁷

The executive branch is also subject to analysis. There are the executive and the administrative phases which appear when a horizontal line is drawn through the more or less pyramidal organization about a fifth of the distance from the apex.¹⁸ On the other hand, this branch can be divided by drawing a vertical line through the apex dividing the departments, bureaus, or sections into (1) those which have to do primarily, although not exclusively, with protection activities, or are essential to the maintenance of the protection programs, and (2) those which have to do primarily, although again not exclusively, with service activities.¹⁹

¹⁷ §) clarify differences when one is studying *G* from the standpoint of supremacy:

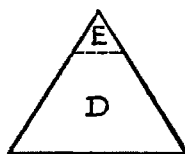
$$\frac{E, \sigma, J}{E, \sigma, J} = \text{a parliamentary } G = L | \overline{G},$$

$$\frac{J}{E, \sigma, L} = \text{a presidential } G = J | \overline{G},$$

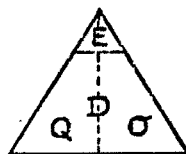
$$\frac{\sigma}{E, J, L} = \text{a bureaucratic } G = \sigma | \overline{G}, \text{ and}$$

$$\frac{E}{J, \sigma, L} = \text{a monarchy (in times past) } E | \overline{G} \text{ a dictatorship (at present)}$$

18



19



The fifth group of symbols represents some of the more important control devices which society is supposed to exercise over government, and which government is supposed to employ over society or sections thereof. The symbols in this section are Λ , V , π , ψ , C , Ω , and ϕ .

The Λ stands for the general control device called customs and traditions.²⁰ This symbol is called an *inverted V*. It is readily divided into $\Lambda_{[1]}$ and $\Lambda_{[2]}$. $\Lambda_{[1]}$ stands for *customs*, those habituated activities performed by the human organisms in the society. Customs are, to a considerable extent, thought of as carry-overs from preceding generations. $\Lambda_{[2]}$ stands for traditions, those attitudes or points of view which, to a large extent, have been carried over from the ancestors.

V stands for the activities of individual h in their attempt to express themselves or to control certain situations. V_1 stands for balloting or *voting* as a control device. V_2 indicates that the *voice* is being used to express the ideas of the h . The extent to which V_2 should be, or can be, controlled or not controlled is a problem that has to be faced from time to time. V_3 stands for individual *violence*. In modern civilizations, and even in our own day, a few people try, from time to time, to use violence in expressing themselves or in attempting to control a program or a situation.

π stands for chicanery in its various forms.

ψ stands for idealism and idealistic activities, including the various reform programs and enterprises.

$C = \Lambda_{[1st]}^{21} \oplus \psi_{[1st]} \oplus W_{[1st]} \oplus X$.

$C_{[1]}$ = a formal written constitution.

Ω , the last letter in the Greek alphabet, stands for the last control device of society over its government. It is generally used by the h after all other control devices have failed to produce desired results. Ω is to be clearly distinguished from either an industrial or a social revolution. Ω , as a threat, is to be included in a study of control, as well as Ω as a set of activities.

ϕ stands for power. One classification of this important term

²⁰ The Σ itself; i.e., Λ at times might be thought of as a cross-section of a candle-snuffer. In general, it represents *the dead hand of the past*.

²¹ 1st in the subscript brackets indicates 1st class or important.

is into police, law-making, and war-making. Another classification which may be equally interesting is that of dividing power into discretionary, defining, taxing, conscript, punishing, and contempt.²²

These symbols, which may be primarily connected to various aspects of control problems, are very helpful to students of politics as well as of administration.²³

The last group of symbols includes Θ and Y . Θ —theta represents a motive of an h . It is also a canopy symbol to stand for motives in general. A study in political science is seldom completed without taking into consideration the Θ involved—not only those in the problem, but also those in the mind of the in-

²² 3ϕ may indicate that the first classification is being used, and 6ϕ may indicate that it is the second one

²³ To illustrate further the uses to which \mathfrak{F} may be put, let us consider an analysis and presentation of $^O|\overline{G}$ and $^G|\overline{O}$. The O analyzed for this illustration might be the United States of America. Upon examination, suppose there appear some nineteen control devices which are thought to be more or less effective in controlling the various Δ of $G[US]$. Imagine that these nineteen are in three classes—primary, secondary and minor—and presented in the following manner:

$$\begin{aligned} &\text{Primary} \\ |\overline{G}[US] &= \Delta) \oplus V_1) \oplus L) \oplus C_1) \oplus W) \oplus PU_1) \oplus h^4_{\{Leaders\}}) \oplus X \\ &\text{Secondary} \\ &= PZ) \oplus BZ) \oplus TZ) \oplus RZ) \oplus V_2) \oplus X \\ &\text{Minor} \\ &= \text{Other } G)IB\star \oplus IGW) \oplus \psi \oplus X \end{aligned}$$

Is this analysis clear, and are you in a position to determine quickly as to what extent you agree and disagree with the analysis, and, in addition, to locate the points of disagreement? Would one care to write out in longhand this analysis? Would one care to read such a lengthy description? From the teaching standpoint, should such materials be written on the blackboard in paragraphs or symbolized?

A study of $G[US]$ control over $O[US]$ has also been made. It is presented in the following manner:

$$\begin{aligned} &\text{Primary} \\ G|\overline{O}[US] &= 6\phi \oplus N \oplus \pi A) \oplus \psi A) \oplus W) \oplus C_1 \oplus TU\star) \oplus RU\star \oplus X \\ &\text{Minor} \\ &= \Delta) \oplus BA) \oplus BU\star) \oplus PU) \oplus F^* \oplus X \end{aligned}$$

The same questions might arise in regard to these examples as appeared in the preceding set.

* F = Force.

vestigator. When Θ is found with a zero exponent, one may proceed with some assurance, but when the minus one exponent is found attached to Θ , one needs to proceed very slowly with the development of the problem involved. The same procedure ought to be followed when Θ are hidden, ignored, or confused.²⁴

²⁴ In working on problems of voting in California ("Voting in California Cities, 1900-1925," *Southwestern Polit. and Soc. Sci. Quar.*, Vol. 8, Mar., 1928, 383, and "Rural Voting in California, 1900-1923," *ibid.*, Vol. 9, Sept., 1928, 198), 5), were developed and used extensively except when presenting the results in final form. Some 5) were defined in a special manner as follows:

P ₀ = Population census	Pres. = Presidential electors	
P = Population refined	G = Governor	
P _[LA] = Σh in Los Angeles	Cong. = Congress	J = June 30
VP = Voting population	Assm = Assemblymen	N = Nov. 1
VC = Votes cast	Each city was given an	00 = 1900
E = Total school enrollment	abbreviation	18 = 1918

Among other things desired were two series of estimates for each city included in the study, one a population and the other a voting population series. The population series was derived in the following manner. The E series was found to be most satisfactory of the seven or eight annually compiled series considered.

$$\frac{P_{J00}}{E_{J00}} = r_{J00} \quad \frac{P_{J10}}{E_{J10}} = r_{J10} \quad \frac{P_{J20}}{E_{J20}} = r_{J20}$$

Then by straight line interpolation,

$$r_{J02} = 2(r_{J10} - r_{J00}) - r_{J00}.$$

When these derived r were multiplied by their respective E , a series of P estimates was secured

$$P_{J02} = r_{J02} \cdot E_{J02}$$

$$P_{J15} = r_{J15} \cdot E_{J15} \text{ etc.}$$

These P series were shifted from June 30 to November 1 as follows:

$$P_{N02} = P_{J02} + \frac{(P_{J04} - P_{J02})}{3}$$

$$P_{N19} = P_{J19} + \frac{(E_{J20} - P_{J19})}{3}$$

The VP series were established in a similar way

$$VP_{J02} = \left[.6 \left(\frac{VP_{J10}}{P_{J10}} - \frac{VP_{J00}}{P_{J00}} \right) + \frac{VP_{J00}}{P_{J00}} \right] [P_{J02}].$$

Thus, two measuring series were built up for each city studied (P series and VP series), and four series to be measured were compiled (VC for Pres., VC for G, VC for Cong., and VC for Assm.).

This set of 5) increased accuracy, cut down the amount of confusion, and aided materially in the work of studying some aspects of voting behavior in California cities.

Y represents the physical basis of society, the environment of the h), or the living stage on which h lives and moves.

Y_1 stands for territory.

This completes a brief and rather superficial presentation of the more important symbols developed so far in this nomenclature.

PART III

A few observations might be helpful to those who have followed the presentation thus far.

Indications appear, both from publishers and mathematicians, as well as from political scientists, that if such a system as this, or another like it, were adopted in political science, textbooks, as well as monographs and articles, would be much shorter.

There is a challenge here which requires clearer thinking and greater accuracy and definiteness in presentation. The scientist will have to be more careful and the demagogue's shiftiness will be more apparent to his audiences. The one hundred and forty-five definitions of the term "state" are still present; but there has been suggested in these articles a method by which not only finer and clearer distinctions can be made but also responsibility for the accuracy of statements can be checked more easily.

It has also been suggested that new inventions and new methods should not be introduced in political science, because government would eventually capture the devices and, having captured them, would use them to its own advantage against society. A political science nomenclature captured by government might speed up the break-down of representative institutions and lessen the number of days until dictatorships or bureaucracies control. But over against all this, chemists are not held responsible when men take their ξ) and formulæ to make high explosives for the purpose of killing men, or of destroying property. Many valuable instruments and methods are abused by ignorant and malicious h); so one can hardly consider the fear of abuse as a justification for refusing to experiment with nomenclature in political science.

May the writer now present two problems which need careful study if this nomenclature is to be developed? The first has its center in mathematics. Certain mathematical processes possess

utility, and, at the same time, some non-mathematical methods have been helpful. With extra care, both methods are usable at this stage of development. But could our work be developed farther and more rapidly if either the mathematical or the non-mathematical method were used solely?

The second problem has to do with the development of what can be termed unitization processes. We may not be able to accomplish this, but it is felt that further advances could be made, and at a more rapid rate, if or when some, if not all, of the ξ) have been measured, at least in terms of each other. If three units of clarity were equal to one unit of accuracy, or if one unit of religious activity were equal to four units of educational activity, what an improvement would be made in this nomenclature! Certain symbols have been referred to as unitary; but there is little, if any, standardization between them, or even necessarily present when the same ξ is used in two different connections. There are plenty of defects in this crude instrument, even as there have been defects in other instruments in the early days of their development.

Political scientists ought to be familiar with the systems of nomenclature used in the armies and navies of the leading countries of the world, as well as with the systems of signs, labels, and symbols used in engineering and mapping. Cryptography and the elements of cryptanalysis both possess principles and methods which might aid political scientists materially in the use and development, as well as the evaluation, of nomenclature. Other experiments and studies have been made in the social sciences²⁵ which present other points of view and aspects different from this study. This experiment has been made, and is a success to the extent that it has become a valuable instrument in the hands of some workers in political science.²⁶

²⁵ Professor Walter W. Cook's "Hohfeld's Contribution to the Science of Law," 28 *Yale Law Journal* 721 (1919) and 23 *Yale Law Journal* 16 (1913), and Professor Edwin A. Cottrell's studies with ξ) and special notation have been particularly helpful and stimulating.

²⁶ Appreciation is here expressed to Professor Charles G. Haines, University of California at Los Angeles, for his help and his encouragement; and to Professor Robert T. Crane, University of Michigan, the late Professor Victor J. West, of Stanford University, and Captain Victor H. Harding, Palo Alto, California, for their stimulating suggestions in times past.

- A new clamp for the surgeon is of little value to him until he studies its peculiarities and uses it in the operating room. So it is with this crude nomenclature. Until political scientists use this or some other system of 3), nomenclature will be of little value. It is my hope that many men in this field of endeavor will build systems. From the combined and tested efforts of many scientists may come a nomenclature as valuable for political science as the chemist's system has been in his field. If there is need for improving instruments and labels in political science, why not experiment?

LEGISLATIVE NOTES AND REVIEWS

Recent Trends in Federal Aid to the States. The past three years have witnessed some interesting developments in the American subsidy system, though no major changes of policy. Most significant, perhaps, is the battle royal which has raged over the federal grant for maternal and child hygiene. This piece of legislation, though adopted by an overwhelming vote in 1921,¹ soon aroused a veritable storm of opposition. It was made the basis of the test cases in which the Supreme Court of the United States inferentially approved the subsidy system, and expressly denied its own right to interfere.² It became the target for broadside after broadside from the editorial guns of the American Medical Association. The organized pressure of the opposition proved very effective, and federal appropriations for coöperation with the states in child health work were discontinued. The federal government retired from the field in 1929.

The friends of federal participation, however, have refused to concede defeat. At every subsequent session of Congress they have urged the adoption of new legislation reëstablishing federal-state coöperation, and in the closing days of the last session they almost achieved their goal. A bill appropriating one million dollars annually until 1934, to be paid to the states for federally supervised maternal and child hygiene work, passed the Senate by a vote of fifty-six to ten on January 10, 1931.³ This bill, introduced by Senator Jones of Washington, was very largely a replica of the Sheppard-Towner Act of 1921 which had been permitted to lapse. But the corresponding bill which passed the House a little later varied in a number of essential respects. It authorized federal aid to the states, not only for child hygiene, but also for "the prevention of disease and the promotion of health among the rural population."⁴ Rural health was to be fostered by means of local health units or organizations, and this phase of the grant was to be administered by the public health service of the Treasury Department. General supervision was to be exercised by an ex-officio federal health coördinating board, composed of the surgeon-general of the public health service, the chief of the children's bureau, and the commissioner of education. Annual appropriations were provided, mounting gradu-

¹ *Congressional Record*, Vol. 61, pt. 8, p. 8037 (House vote).

² *Mass. v. Mellon and Frothingham v. Mellon*, 262 U.S. 447.

³ S. 255, 71st Cong., 2nd. Sess.

⁴ H.R. 12995, 71st Cong., 2nd Sess.

ally to three million dollars by 1936. The child hygiene portion of this ambitious program was to continue under the direction of the children's bureau. Thus, under the plan proposed by the House of Representatives, the promotion of maternal and infant welfare became a minor part of a general scheme of federal supervision over rural health activities. This innovation proved too radical for the Senate, and as a result no agreement was reached by the two houses before the end of the session. It seems clear, however, that some form of federal aid for child hygiene is regarded with favor by a substantial majority in Congress, and that the opposition is stronger in lung power than in votes. The next session will probably witness a resumption of federal participation in child health activities.

The withdrawal of federal support from this work has had a most unfortunate effect upon state programs. Only sixteen state legislatures have appropriated amounts sufficient to equal the combined federal-state expenditures of previous years. In most of the other states, child health work has been seriously curtailed. Physicians and nurses have been dismissed, and coöperative arrangements with counties and local communities have been canceled in many cases. In a few states, legislative appropriations for maternal and child hygiene were made contingent upon the availability of federal funds, so that the absence of federal aid has necessitated a complete cessation of state activity in this field. Interest in child health work seems to have diminished everywhere—even in those states whose legislatures have come to the rescue with additional appropriations.⁵ Nor need this occasion surprise, for even state workers have long recognized the prestige value of federal participation.

A considerable number of bills have recently been introduced in Congress authorizing federal subsidies to the states for a wide variety of purposes. Senator Hatfield, of West Virginia, proposed federal aid "in the care, treatment, education, vocational guidance and placement, and physical rehabilitation of crippled children."⁶ Nye, of North Dakota, suggested coöperation with the states for the promotion of rural education, to the extent of one hundred million dollars of federal funds annually. The bill which most nearly succeeded in becoming law, however, was introduced by Senator Wagner, of New York. It authorized the federal government to coöperate with the states in the establishment of

⁵ "The Seven Years of the Maternity and Infancy Act," Publication No. 203 of the U. S. Children's Bureau, 1931, p. 14.

⁶ S. 5961, 71st Cong., 3rd Sess.

public employment bureaus, and made annual appropriations of four million dollars for that purpose. The usual scheme of federal aid was followed. A state must specifically accept the federal offer, in order to be eligible for funds, and must designate a coöperating state agency; it must match its federal allotment dollar for dollar; it must submit a plan of activity for the approval of federal officials. Under the terms of the bill, the United States employment service was directed to pass upon state programs, and was given the status of a separate bureau in the Department of Labor.

This proposal met with such favor in both houses of Congress that its passage seemed reasonably assured. As a result, the opponents of the subsidy system waged an especially bitter fight. The old arguments of the states' rights school were pressed into service once more—slightly shopworn from the passing of time, but still ready for effective use. It was freely urged, for example, that diverse conditions throughout the nation would cause the collapse of any federal attempt to relieve the unemployment situation. "Sketch in your minds for a moment the different conditions in different sections of the United States as to labor," urged Congressman Tucker, of Virginia. "New England with its highly skilled labor, many of whom are foreigners, many of them French-Canadian, and the great body of foreign laborers in the states of New York, Pennsylvania, and New Jersey; the negro laborer of the South, with his peculiarities and interesting characteristics; the Mexican laborer along the border of Texas and the South; the Japanese and Chinese laborers of the Pacific Coast; and the vigorous, virile laborers of the great Northwest, many of original American stock; all of these different elements are provided for today under the states, and their laws on this subject are adapted to them and their characteristics; and now we seek to do away with this and establish a national employment agency with its own rigid conditions which might suit some of the sections but would be very injurious to others. As a basic proposition, the bill seeks to destroy the rights of the states to adapt their agencies to their own conditions and turn it over to one central agency in Washington.'"

The same argument, phrased in but slightly different terms, had previously been used against practically every proposal to grant a conditional federal subsidy to the state governments. It had been urged as a reason for defeating the federal-state highway program, and subsequently the United States bureau of public roads demonstrated its

¹ *Congressional Digest*, Jan., 1931, p. 17.

fallacy by approving radically different types of road construction for different sections of the country, according to local conditions and local needs. It had been used in debate against the Sheppard-Towner Act, and later the children's bureau showed its willingness to accept any state plan which seemed to fit local requirements, provided only federal minimum standards were met. Yet it served as an argument against the Wagner unemployment bill, despite the plain provision of the bill that plans should originate with the state in every instance, and should merely be subject to a federal veto.

Senator Bingham also took up the cudgel against Wagner's proposal. "It is objectionable," he declared, "because it seeks to seduce or bribe the individual states to surrender a vital power of self-government."⁸ But these arguments seem to have carried little weight; for the Wagner bill passed both houses by substantial majorities, and reached the president a short time before the close of the session. President Hoover issued a prompt veto message. This measure "cannot be made effective for many months or even years," he stated. "It is not only changing horses while crossing a stream, but the other horse would not arrive for many months." By executive order, the president then proceeded to put into effect most of the provisions of the Wagner bill, though, of course, without the subsidy feature. Whether the next Congress will attempt to revive the proposal is problematical. A great deal will depend upon business and employment conditions at that time.

Although new subsidy legislation has fared rather badly during the last three years, several of the subsidy laws already in effect have been strengthened by materially larger appropriations. Federal aid for highways, especially, has mounted rapidly. The seventy-five million dollar annual appropriation, in effect for a number of years, was increased to one hundred and twenty-five millions by act of 1930; and in December of that year Congress appropriated an additional eight million dollars to stimulate road construction, and thus meet the emergency of unemployment. Federal payments to the states for coöperative agricultural extension work have risen from a little less than seven million dollars in 1927 to slightly more than eight millions in 1930. National Guard allotments have also increased, by about one million dollars. Federal aid for forest fire prevention, always a small sum, was nearly doubled during the three-year period. Additional appropriations for vocational education, authorized for the immediate future, will naturally stimulate this work.

⁸ *Congressional Digest*, Jan., 1931, p. 12.

Even the most aggressive opponents of federal aid for new projects seem to accept the existing system of subsidies as an established custom, and raise no serious objection when the usual appropriations for this purpose are continued or even increased. When the bill authorizing additional payments to the states for vocational education came up for debate in the Senate, the implacable Senator Bingham rose to inquire whether its author "would not be willing to permit the territories to benefit under the act, as well as the states." He then offered a series of amendments, which were adopted, inserting the words "and territories" and "states," at appropriate places. A strange contrast, indeed, to his bitter attack upon the proposed child hygiene law, and his scathing denunciation of the Wagner unemployment bill as an attempt to bribe and seduce the states! But such changes of front are taken as a matter of course in legislative circles. Most legislators agree with Emerson's dictum that "consistency is the foible of weak minds."

Despite the increased appropriations for a number of cooperative activities, the total of federal payments to the states actually decreased slightly during the three-year period. For the fiscal year 1927, the amount was \$136,659,786.47; in 1930, federal payments totalled only \$135,373,607.01—a reduction of slightly more than one million dollars. Comparison of the 1930 figure with that of the peak year 1925, when \$147,351,393.22 was paid to the states from the federal treasury, would seem to indicate a waning interest in the subsidy system. Actually, however, the decrease has been due entirely to reduced disbursements for highway construction, which have more than counterbalanced the increases in the other fields. During a considerable period, the bureau of public roads had at its disposal funds authorized and appropriated for earlier years, but not expended within the years for which they were intended. These funds, carried over, always furnished a surplus in addition to the regular annual appropriation. By 1930, however, the surplus of former years had been almost entirely expended, so that federal participation in highway construction was limited very nearly to the year's appropriation of seventy-five million dollars. Next year, with the regular appropriation for highways increased to one hundred and twenty-five millions, and eighty millions of emergency funds available, the total of federal payments to the states will probably pass the two-hundred-million mark.²

² The following table shows the distribution of federal aid for the fiscal year ending June 30, 1930:

During the past three years, several of the federal bureaus charged with the administration of subsidy laws have demonstrated very effectively their determination to uphold federal standards and insure the proper use of federal funds. The extension service of the Department of Agriculture, in charge of cooperative agricultural extension work, recently refused to approve a new state extension director who had been selected for partisan reasons; and after political pressure upon the service had proved unavailing, a properly qualified director was appointed by the state officials. A short time previously, another state had been compelled to return to the federal treasury \$21,000 of extension money which had been used improperly. Less than a year ago, the failure of two state foresters to furnish satisfactory plans for forest fire protection resulted in the withdrawal of federal support from the fire protection programs of those states. It seems clear, therefore, that federal officials have lost their early fear of incurring state displeasure, and have decided to enforce adequate minimum standards, even at the risk of a temporary suspension of state cooperation. Some bureaus—notably the bureau of public roads—adopted such a policy from the outset, and have succeeded in retaining the good will and respect of the states without lowering their requirements in any way. Other bureaus, however, have at times hesitated to impose penalties for minor infractions or to make good their threat of withdrawing federal funds, lest their insistence upon satisfactory performance result in the destruction of friendly federal-state relations. The forest service and the extension service have long been in this latter group, and their recent change of front apparently indicates a more uniform, more stringent, and more effective administration of the subsidy laws.

Federal-Aid Payments to the States for the Fiscal Year 1930

Support of agricultural colleges.....	\$ 2,400,000.00
Support of experiment stations.....	4,320,000.00
Coöperative agricultural extension work.....	8,732,716.69
Vocational education	7,682,323.32
Vocational rehabilitation	936,527.07
Highways	75,880,862.84
National Guard	32,619,798.00
Forest fire prevention	1,252,444.69
Distribution of nursery stock.....	78,763.35
Forestry extension work.....	51,688.37
State fund under oil leasing act.....	1,388,931.08
State fund from sale of public lands.....	30,451.60
	<hr/>
	\$135,373,607.01

Agricultural extension work is rapidly acquiring the status of a profession. The salaries of county agents are somewhat higher than formerly, and the turnover is lower. Interest is increasing in professional training courses for experienced extension workers, and such courses are now given in the summer sessions of at least five universities.¹⁰ Some of this work is of post-graduate grade. Present plans contemplate the development of several graduate training centers at leading universities, where seasoned county agents may secure additional training and work for higher degrees. A few states already encourage their extension workers to take advantage of existing facilities for further training by granting them sabbatical leaves of absence. Work among the negroes of the South has recently been improved by means of special summer schools for negro agents.

In various ways, therefore, the grants from the federal treasury to the states are establishing more firmly their claim to a permanent place in the scheme of American administration. Every year they receive the support of additional precedents. They are rapidly becoming a habit. Still more important, they are producing results. Accordingly, while vehement protests are still raised against specific subsidy laws, there is little reason to doubt that the general scheme of federal aid will continue unchanged.

AUSTIN F. MACDONALD.

University of California.

Congressional Redistricting in Missouri. Congressional redistricting became a matter of concern in 32 states as a result of the passage of the national census and reapportionment act of June 18, 1929, and the statement submitted to Congress by the president on December 4, 1930, as required by that act.¹ Partisan, sectional, community, and personal interests combine to make the problem of redistricting a complex one, and a considerable number of the state legislatures meeting in 1931 have found it difficult, if not impossible, to draft bills which a majority in both houses would support and which the governor would approve. This was true especially in states where the majority in one or both branches of the legislature and the chief executive were members of different political parties.

¹⁰ Cornell University and the Universities of Wisconsin, Colorado, Utah, and Oregon. Ohio State University included such a course in its 1930 summer curriculum.

¹ 46 *Stat. L.*, 21, 26. *Congressional Record*, 71 Cong., 3 sess. (1930-31), Vol. 73, pt. 1, pp. 234-235.

Missouri, with a loss of three seats, heads the list of 21 states whose representation in the seventy-third and succeeding congresses will be reduced, and which, accordingly, are confronted with the alternatives of either creating new districts before the November elections in 1932 or facing the uncertainties of an election at large of their entire congressional delegation. The existing districts in Missouri were formed by an act of the General Assembly, approved March 16, 1901, following the passage by Congress of the reapportionment act of January 16, 1901, which increased the number of Missouri's representatives from 15 to 16.² Though Congress added "compactness" to "contiguity" and "approximate equality of population" as requirements for single-member districts, the Democratic majority in the Missouri legislature, with the approval of the governor, who was of the same party, were able so to distribute their party's voting strength among the several districts as to make possible the election in 1902 of 15 out of 16 members in Congress, though the Democratic nominees received only about 55 per cent of the total vote cast. Apparently, the majority party leaders who drafted the redistricting bill found it impracticable to attain even a modest approach to approximate equality of population. The smallest district, with 152,424 persons, and the largest, with 290,187, were among the three districts created in St. Louis city and county. Districts in rural areas varied from 153,764 to 265,264. Several met the requirement of compactness only by an extremely liberal interpretation of that term. Counties in the center of the state along the Missouri River, which could be counted upon for substantial majorities, were employed in an ingenious manner to make safely Democratic certain districts otherwise about evenly divided between the two parties. One of these districts, the seventh, somewhat resembles a hammer in outline, with the head formed by a tier of three Democratic counties and the handle by a tier of five Republican counties. The fourteenth district extends from the Mississippi River along the Arkansas line, one and two counties wide, almost to the western border of the state. Compact groups of Republican counties in central and north-central Missouri were divided between two or more districts, and similar groups of counties in the south-central and east-central sections were joined with a sufficient number of contiguous Democratic counties to insure a reasonably safe majority for the latter. Republican voting strength in St. Louis city and county was so concentrated in the large tenth district as to make possible Democratic majorities in the other two city districts.

² *Missouri Laws, 1901*, p. 87; 31 *Stat. L.*, 733.

Thus entrenched behind congressional districts of their own making, and equally favorable state senatorial districts which were formulated the same year by the governor, secretary of state, and attorney-general of their own party after the General Assembly had failed to pass a reapportionment act, the Democrats in Missouri were well prepared to combat the increasing strength of the opposition party. Since 1904, Missouri voters have given majorities to the Republican presidential electors five out of seven times (reaching landslide proportions in 1920 and 1928), have elected four Republican governors (three since 1920), and have sent three Republicans to the United States Senate for one term each; but only in the presidential election years 1920 and 1928 during this period of 26 years was the Republican party able to secure a majority of the congressional delegation, and only in 1920 was it able to interrupt the continuous Democratic majorities in the state senate. Much of the time it was in a decided minority in both of these legislative bodies.

Determined, if possible, to force a rearrangement of the congressional districts in 1911, and encouraged by the possibilities inherent in the initiative and referendum amendment to the state constitution adopted in 1908, the two Republican members in the House of Representatives from St. Louis sought to eliminate a committee amendment to the pending reapportionment bill in the third session of the Sixty-first Congress which specifically required that redistricting in each state should be done "by the legislature thereof." They asserted that the committee had offered the amendment at the request of certain Democratic members from Missouri as a clever "joker" to prevent a fair redistricting of the state. Unsuccessful in committee of the whole, they were victorious in the House by the close vote of 161 to 158. All of the ten Democratic members from Missouri voted in the negative, while the five Republicans present voted affirmatively.³ The Senate did not act upon this bill, and when another was reported out of committee in the first session of the next Congress it included the language previously stricken out. Representative Bartholdt, Republican, from the large tenth district in St. Louis, and Representative Hamlin, Democrat, from the gerrymandered seventh district, engaged in a brief but heated

³ *Congressional Record*, 61 Cong., 3 sess. (1910-11), Vol. 46, pt. 3, pp. 2228-30. The reapportionment act of 1901 had expressly provided that additional representatives in each state, and all the representatives in case the number was decreased, should be elected at large "until the legislature of such state in the manner herein described shall redistrict such state." 31 *Stat. L.*, 733, 734.

debate condemning and defending, respectively, the existing congressional districts in Missouri. During the discussion in committee of the whole on this bill, it was charged that the adoption of this provision would prevent the voters from acting directly upon the matter of congressional redistricting in the rapidly growing number of states which, since 1898, had adopted, or were considering, constitutional amendments permitting the use of the initiative and referendum for statutory legislation. An amendment to eliminate this clause was defeated.⁴

Senator Burton, of Ohio, a state which adopted the initiative and referendum in 1912, offered an amendment to the House reapportionment bill on the floor of the Senate which directed that congressional redistricting in each state should be done "in the manner provided by the laws thereof" instead of "by the legislature thereof." This amendment was accepted by a vote of 39 to 28, and subsequently was concurred in by the House without further debate. Senators Stone and Reed, Democrats of Missouri, opposed the amendment, though the latter offered a substitute which provided for redistricting in each state "by the legislature or by the people thereof."⁵

The Democratic party had a majority in both houses of the General Assembly in 1911; but, inasmuch as the number of Missouri's representatives in Congress was not changed by the reapportionment act of that year, and the existing districts were distinctly advantageous to that party, no serious attempt was made to formulate a redistricting measure which would meet with the approval of the Republican chief executive. Though Governor Hadley and the Republican state committee sought a revision of the state senatorial districts by means of an

⁴ *Congressional Record*, 62 Cong., 1 sess. (1911), Vol. 47, pt. 1, pp. 673, 701-704.

⁵ *Ibid.*, pt. 4, pp. 3436, 3556, 3604. 37 *Stat. L.*, 13, 14. The apparent contradiction in the position taken by Senator Reed probably was due to a suspicion, real or fancied, entertained by the Missouri Democrats in Congress that the Republicans had no expectation of using the initiative and referendum to secure congressional redistricting, but rather contemplated taking advantage of the presence of a member of their party, Herbert S. Hadley, in the governor's office to test the dubious authority of the chief executive to proclaim new congressional districts under Sections 10730 and 10731, *Missouri Revised Statutes, 1929*, which provide that electoral districts shall be the same as the congressional districts and empower the governor to form new electoral districts when a congressional reapportionment act increases or diminishes the number of electors to which Missouri is entitled. Republican members of the House denied any such intention, asserting that the above statutory provisions were clearly inapplicable. *Congressional Record*, 62 Cong., 1 sess. (1911), Vol. 47, pt. 2, pp. 701-703.

initiated amendment to the state constitution—a procedure which was frustrated by the refusal of the Democratic secretary of state to file the initiative petitions and the denial of a writ of mandamus by the Supreme Court to compel their acceptance⁶—no effort was made to secure congressional redistricting in this manner, and Democratic victories in national and state elections in 1912, 1914, and 1916 probably would have meant the defeat of such a proposal, if submitted to popular vote.

A majority vote of 171,518 received by the Republican presidential electors in 1920 was sufficient to overcome the handicaps imposed upon that party by the congressional and state senatorial districts formed in 1901. With 14 out of 16 representatives in Congress, few of whom had any reason to desire a perpetuation of the existing districts, a majority in both houses of the state legislature, and the governorship, the G. O. P. in Missouri appeared to be in a commanding position for purposes of redistricting. A congressional reapportionment bill was reported to the third session of the Sixty-sixth Congress which provided for a House membership of 483, thus obviating the necessity of reducing the representation of any state. Sentiment in favor of retaining the existing membership of 435 was strong, however, and an amendment substituting this number was approved by a vote of 269 to 76. At that time it was estimated that Missouri would lose two seats. Only two members of the Missouri delegation of 11 Democrats and five Republicans in the House voted for the amendment, both of whom, one a Republican and the other a Democrat, were from districts in St. Louis city and county. The bill passed the House without a record vote, but was pigeonholed in the Senate committee.⁷

A reapportionment bill proposing a House membership of 460 was reported to the first session of the Sixty-seventh Congress. Maine and Missouri were the only states to lose a seat under this plan. Section 3 of this bill provided that, should the number of representatives from any state be reduced, and should the legislature thereof in session between the passage of the act and the next congressional election fail to redistrict the state, or should it not be in session during that time, then the governor, secretary of state, and the attorney-general of such state should be empowered to formulate new districts. There is a strik-

⁶ *State ex rel. Halliburton v. Roach*, 230 Mo. 408, 130 S.W. 689.

⁷ *Congressional Record*, 36 Cong., 3 sess. (1920-21), Vol. 60, pt. 2, pp. 1679, 1682, 1693.

ing resemblance between this proposal and a section in the Missouri constitution which makes it the duty of these three executive officers to redistrict the state for the election of state senators in the event that the General Assembly fails to perform this task at its first session following each decennial census.⁸ Congressmen Newton and McPherson, Republicans from the tenth and fifteenth Missouri districts, respectively, addressed the House in favor of this provision, and an amendment to eliminate it was defeated in committee of the whole by a vote of 160 to 75. A motion to recommit the bill, however, carried 146 to 142. Twelve Republican members from Missouri opposed this motion, one was paired with a Democratic member against it, and announcement was made that the fourteenth would have voted "nay" had he been present. The other Democratic member supported the motion to recommit.⁹

Despite these failures on the part of Congress to agree upon a reapportionment bill, the Republican leaders in Missouri decided not to forego the splendid opportunity which a majority in both houses of the General Assembly and the governorship offered for the rearrangement of the districts formed in 1901. A redistricting measure was passed during a second extra session of the legislature in November, 1921, and approved by the governor, which indicates that the Republican interpretation of the requirements fixed by Congress for single-member congressional districts was almost as liberal as that adopted by the Democratic party twenty years before.¹⁰ The contours of some of the proposed districts defy description. A group of strong Democratic

⁸ *Missouri Constitution* (1875), Art. IV, sec. 7. The Missouri supreme court in 1921 held that the initiative and referendum amendment adopted in 1908 (Art. IV, sec. 57), in vesting all legislative power in the General Assembly and the people, had the effect of repealing Section 7, which conferred conditional power upon these three executive officers in the matter of state senatorial reapportionment. The fact that the court divided on a strictly partisan basis in reaching a four-to-three decision, the tenor of the majority and dissenting opinions, and the failure of the court in 1910, and again in 1912, in cases involving the provisions of Section 7, to question its continued operation, despite the amendment of 1908, give support to the contention that this decision is of doubtful validity. *State ex rel. Lashly v. Becker*, 290 Mo. 560, 235 S. W. 1017. For the earlier decisions, see *State ex rel. Halliburton v. Roach*, 230 Mo. 408, 130 S. W. 689, and *State ex rel. Barrett v. Hitchcock et al*, 241 Mo. 433, 146 S. W. 40.

⁹ *Congressional Record*, 67 Cong., 1 sess. (1921), Vol. 61, pt. 6, pp. 6308-10, 6340-45, 6348.

¹⁰ *Missouri Laws*, Second Extra Session, 1921, p. 17.

counties in the northwest and two others in the center of the state were combined with several evenly divided counties to create a district normally Democratic by a large majority. Other strong Democratic counties in the central, west-central, and southwestern sections of the state were so distributed among a number of districts as to make them very close in a Democratic year but safely Republican in other years. Four strong Democratic counties north and east of the Missouri River were joined with certain wards in Kansas City to form a district apparently designed to waste the voting strength of that party. St. Louis and St. Louis county were divided into four instead of three districts, and the former eleventh district in St. Louis, which had consistently elected a Democratic congressman since 1901, was disintegrated. Based upon the census returns of 1920, there was a difference of approximately 42,000 persons between the smallest and largest districts, a much nearer approach to approximate equality of population than that reached by the Democrats in 1901. Thus by a skillful concentration of opposition voting strength in three districts, the creation of at least six rather closely divided districts, and the virtual certainty of carrying all four districts in St. Louis city and county in addition to one district in each of the north-central, south-central, and south-western sections, the Republican legislative leaders had assured their party of at least seven or eight of the 16 representatives even in a Democratic year, and 13 or more in a Republican landslide such as occurred in 1920. Through the efforts of the Democratic state committee, this redistricting measure, together with 13 other acts passed by the General Assembly in 1921, was subjected to a referendum vote in the general election of 1922. A marked reaction favorable to the Democratic party following the presidential election of 1920, and the strong tendency of the Missouri voter to vote "no" on referred measures, contributed to the defeat of the bill by a majority of 145,182 votes. All of the other thirteen bills likewise were defeated by large majorities.

The resumption of efforts to secure the passage of a congressional reapportionment bill in the first session of the Seventieth Congress found a considerable number of both Democratic and Republican members from Missouri seemingly more concerned about the effect of the probable loss of three or four seats upon the prestige of the state, the consequences of increased representation for urban areas, and the likelihood of primary contests against each other than about the possibilities of partisan advantage inherent in redistricting. Representative Lozier, Democrat, from the second Missouri district, who was a

member of the House census committee, signed a minority report upon the proposed bill, and on the floor of the House advocated an increase in House membership, opposed reapportionment prior to the 1930 census, and offered amendments to eliminate the provision for automatic reapportionment in 1931 and subsequent decennial periods, and to substitute the method of equal proportions for that of major fractions. Representative Cochran, Democrat, of St. Louis, though opposed to the delegation of authority to proclaim a reapportionment should Congress fail to act, was a vigorous exponent of the cause of proportional representation for urban sections and states, and frequently emphasized what, in his opinion, would be the desirable results flowing therefrom with respect to the evils of the Eighteenth Amendment. He recognized that in redistricting the state it would be almost impossible to preserve the strong Democratic district in St. Louis which he represents. The final vote on the reapportionment bill in the House during the first session of the Seventy-first Congress found seven Republican and three Democratic members from Missouri supporting the bill and three Republican and three Democratic members in opposition. Two of the Democrats who voted "yea" on the final roll-call previously had supported a motion to recommit. In the upper house, Senator Hawes, Democrat, of St. Louis, voted for amendments which proposed to eliminate automatic reapportionment, to substitute the method of equal proportions, to omit the provision with respect to future decennial periods, and to exclude aliens in apportioning representatives, and voted against the bill on final passage. Senator Patterson, Republican, of Kansas City, voted in opposition to all of the above amendments and supported the measure in the final vote thereon.¹¹

Anticipating that the Fifty-sixth General Assembly, meeting in January, 1931, would be confronted with the problems of both congressional and state-senatorial redistricting, Democratic party leaders were especially active in their efforts to secure the election of a majority of the members of both houses of the legislature in November, 1930. Virtually certain of retaining control of the Senate, they concentrated their attention upon the House of Representatives, in which Republican members had been in the majority since 1918. They were aided by the agricultural and business depression, the absence of a presidential campaign, and public charges of inefficiency and malfeasance directed

¹¹ *Congressional Record*, 70 Cong., 1 sess. (1927-28), Vol. 69, pt. 8, pp. 9009-18, 9094; 70 Cong., 2 sess. (1928-29), Vol. 70, pt. 2, p. 1501 ff; 71 Cong., 1 sess. (1929), Vol. 71, pt. 2, pp. 1861, 1863, 2065, 2078, 2159; pt. 3, 2457-58.

against several of the Republican elective office-holders. The Republican party organization was less active in this respect, possibly because it considered securing control of the Senate quite unlikely in a mid-presidential year, and was content to rely upon the governor and the lower house to force satisfactory compromise measures from the Senate. Furthermore, it could contemplate with some degree of confidence the possibility of an election at large and an opportunity to secure the adoption of more favorable redistricting bills through the initiative and referendum in 1932.¹²

On the occasion of a meeting of the Democratic state committee in May, 1930, a newspaper poll was taken to ascertain the views of the leaders of that party relative to redistricting. This poll revealed a wide variety of attitudes and opinions. Some emphasized the necessity of being fair to both parties, while others were quite frank in asserting that the party should seek to preserve or strengthen its advantage in both sets of districts. A few expressed willingness to give proportionate representation to the cities, but a larger number appeared skeptical that this would be done, especially in the state senate. Mr. Charles M. Howell, of Kansas City, chairman of the state committee, replied as follows: "I am in hopes that the Democrats can elect a majority in the House as well as in the Senate; then we can approach the subject without partisan bickering. There is no politics—or should be none—in the laying out of districts. They should be compact in form and the population should be as nearly equal as practicable. Every community should have the representation to which its population entitles it. Democrats, if in control, must be fair because a Republican governor will have the last word about the laws passed."¹³

Success attended the efforts of the Democratic party organization in the election of 1930. They secured a majority of four in the Senate and 22 in the House of Representatives. Governor Caulfield, in his biennial message to the General Assembly on January 8, 1931, especially emphasized the need for state senatorial redistricting in accordance with the mandate of the constitution, and in order to eliminate the gross inequality in population between the existing districts.

A number of congressional and senatorial redistricting bills were in-

¹² The United States Supreme Court held in 1916 that congressional redistricting in Ohio through the initiative and referendum was in keeping with the provisions of the reapportionment act of 1911, and was not contrary to Art. I, sec. 4, of the federal constitution. *Davis v. Hildebrandt*, 241 U. S. 565.

¹³ *St. Louis Globe-Democrat*, May 15, 1930.

roduced in both houses of the legislature. No definite attempt appears to have been made to formulate bills which would draw support from both parties, and consequently the matter of redistricting became a party issue at the outset. Subcommittees of the House redistricting committee and the Senate committee on elections were appointed to consider the several congressional redistricting measures introduced and to draft substitute bills. The majority members of these subcommittees agreed upon a bill which was reported favorably to both houses on February 26. An analysis of this bill, based upon the votes by counties and by wards in St. Louis and Kansas City for Republican and Democratic candidates for judges of the supreme court in recent elections, indicates that, if adopted, it would make almost certain the election of Democratic congressmen in six of the 13 districts even in presidential years, and eight or nine of the 13 in other years.¹⁴ To obtain even this rather conservative partisan advantage, it appears to have been necessary for the subcommittees to ignore the requirement of compactness. The proposed first district in the northeast section of the state extends from the Iowa line, two and three counties wide, to include three counties south of the Missouri River. This district has the dual advantage of being safely Democratic and yet including several strong Republican counties. Democratic counties in the central part of the state were used, as in 1901, to yield majorities in districts otherwise rather evenly divided. Three strong Democratic counties situated north and east of the Missouri River were included in a northwest district to make virtually certain the election of a Democratic representative. St. Joseph, the third largest city in the state, is in this district. Certain wards in Kansas City, and all but one of the townships in Jackson county, were joined with four other counties to form a district one county wide and five counties long on the western border of the state. Fourteen Republican counties in the south and southwest were grouped together in a right-angled district which effectively concentrates a large block of the voting strength of that party. The proposed twelfth district, resembling a door key in appearance, centers in the Ozark region and extends south to the Arkansas line to pick up a strong Democratic county and

¹⁴ An unusual amount of scratch-ticket voting in Missouri in 1928 gave the Republican candidate for supreme court judge a majority vote in two of the proposed districts which normally would yield substantial Democratic majorities. On the contrary, similar party irregularity in St. Louis resulted in a Democratic majority in one of the proposed districts in that city and a very close vote in another.

east so as to include Greene county and Springfield, the fourth city of the state. This is a rather close district. St. Louis county was joined with three other counties to the south to form a strong Republican district. One of the three districts proposed for the city of St. Louis was drawn in an attempt to preserve as nearly as possible the existing eleventh district, which has consistently elected a Democratic representative. A difference in population of approximately 20,000 between the largest and smallest of the proposed districts compares most favorably with a difference of 140,000 between the existing districts when formed in 1901, which had increased to almost 600,000 in 1920.

Republican party leaders promptly denounced the committee substitute bill as "an unfair apportionment politically," and threatened an executive veto, or a popular referendum if the governor approved the measure. They expressed a willingness to accept a bill which normally would give the Democrats seven of the 13 districts. On the contrary, the *St. Louis Globe-Democrat*, an independent Republican daily, commended the bill in an editorial which asserted that "its division of the geography, population, and political sentiment of the state seems to be so fair and equitable that the bill might almost be called a model in this class of legislation." The fact that the measure awarded proportionate representation to the cities was a decided point in its favor from the viewpoint of the urban press, regardless of party.

The House of Representatives ordered this bill engrossed on March 24, subject to a few minor changes designed to strengthen several Democratic districts. Republican members of the House voted against the measure without exception. Dissatisfaction among a number of the Democratic members of Congress with some of the proposed districts, the objections of Democratic state representatives from southwestern counties to being placed in a congressional district so overwhelmingly Republican, and dissension between factions of the party in Kansas City over the boundaries of the two districts into which that city was divided, alienated sufficient Democratic support so that, although the bill was made a caucus measure, only 67 of the 86 Democrats were present and voted "yea" when it came up for final passage on March 31. Since the 56 Republican members present voted solidly against the bill, it failed by nine votes to receive the required constitutional majority of 76. Similar dissatisfaction in the Senate, where the Democrats had a majority of only four, made it appear for a time that some compromise measure must be formulated or no congressional redistricting bill could be passed.

After several attempts had been made to unite Senate Democratic members in support of the committee substitute bill, a number of changes were agreed upon at a caucus meeting on April 2 which were designed to increase Democratic majorities in two districts without endangering them in others, and which met the objections of two veteran Democratic congressmen against being placed in the proposed second district with a third Democratic veteran who would have a distinct advantage because most of his present district was included in the new one. Three days later, the Senate Democratic caucus reversed its stand on these changes and decided to support the committee substitute bill as first reported except for a few minor shifts of counties in the southeast designed to add a thousand Democratic votes to the slender majority anticipated in the proposed twelfth district. The bill thus amended was ordered engrossed by the Senate on April 7, despite vigorous efforts on the part of the Republican minority to force changes in it or to delay action; but the illness of one Democratic member, and the positive refusal of another to support it unless the changes first agreed upon were adopted, resulted in failure by one vote on April 9 to secure the necessary constitutional majority of 18 for its final passage. The indisposed member also had opposed the bill, but pressure brought to bear upon him by party leaders produced the desired results, and he appeared the following day to cast an affirmative vote when the previous action was reconsidered.

While Democratic leaders were endeavoring to secure signed pledges from at least 76 of their number in the House in support of the Senate bill, Governor Caulfield delivered a special message to the General Assembly on April 14 severely criticizing the action of the majority, condemning the irregularity of the proposed districts, and suggesting an alternative bill which was more in line with his conception of a fair and proper redistricting. The alternative districts proposed by the governor are a much closer approach to the requirement of compact territory than those included in the Senate bill; they coincide more closely with the common economic interests of counties in the several sections of the state; and the approximate difference of 38,500 in population between the districts is only 5,000 greater than that of the Senate bill. From the standpoint of partisan fairness, however, an analysis similar to that made in the case of the committee substitute bill indicates that although the Republicans could not be certain of more than five of the 13 districts in mid-presidential years, they would have a fair opportunity to win in three other close districts, and in presiden-

tial years, if the future can be judged by the elections of the past decade they could count on a majority in at least nine, and possibly ten, of the districts. This result was made possible by the concentration of many of the strongest Democratic counties in one east-central district and two west-central districts, the latter including Kansas City, though to do so made it necessary in two instances to depart noticeably from the principle of compactness.

Although exact comparisons are difficult, if not impossible, in such cases, it appears evident that the governor's proposal was not sufficiently neutral politically to force the Democratic leaders to reconsider their action; and if he anticipated a favorable response to his message, delivered so late in the session, he misjudged the temper of those leaders. A short time after the governor had addressed the Assembly, the House redistricting committee reported favorably on the Senate bill. A Republican member of the committee had offered the governor's plan as a substitute, but it was not considered, and when it was submitted on the floor of the House the next day it was rejected promptly by a vote of 85 to 54. The Senate bill passed the House on April 15 by a vote of 85 to 55, with all Republican members and a single Democrat, who refused to sacrifice the personal interests of the veteran congressman from his county on the altar of party solidarity, in opposition.

The apparent readiness of the Democratic majority in the legislature to avoid a compromise and to enact a measure by a strict party vote may be explained, at least in part, by their desire to force upon the Republican governor final responsibility for the acceptance or rejection of a congressional redistricting bill. Their success at the polls in 1930, and the party's prospects for 1932, may have emboldened them to face with confidence a possible election at large of the entire congressional delegation. Whatever their motives, Governor Caulfield made good his threat and returned the bill without his signature on April 25, just one day after it was presented to him. In his veto message, the governor restated his objections to the measure and expressed the hope that the legislature would even yet pass a suitable redistricting bill, but reaffirmed his conviction that it was better that the people of Missouri be inconvenienced for two years or longer than to be deprived indefinitely of fair representation in Congress.

Several weeks in advance of the meeting of the General Assembly, it was intimated publicly that Democratic leaders were contemplating an attempt to pass a congressional redistricting measure by concurrent

resolution, thus avoiding the necessity of securing the governor's approval. In view of conflicting legal opinions on this point, and the fact that previous redistricting measures in 1882, 1892, 1901, and 1921 had been signed by the governor, it was deemed inadvisable, apparently, to attempt such a procedure. The impossibility of passing the redistricting bill over the executive veto, however, led to further suggestions that this be done, and a resolution was introduced in the Senate immediately after the veto message had been received which declared that the districts included in the bill which passed both houses of the General Assembly were the lawfully established congressional districts in Missouri. The attorney-general rendered an opinion on April 27 holding that the legislature does not have authority to lay out congressional districts without the approval of the governor, and as this opinion was concurred in by a number of prominent Democratic legislators, the resolution was abandoned.¹⁵

¹⁵ *St. Louis Globe-Democrat*, April 28, 1931. The Missouri constitution makes no express provision for the formation of congressional districts. Art. V, sec. 14, requires that "every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this constitution, shall be presented to the governor and before the same shall take effect shall be proceeded upon in the same manner as in the case of a bill." The attorney-general held that to redistrict the state by a concurrent resolution without the approval of the governor would be violative of this section and of Art. IV, sec. 57, which reserves to the people through the initiative and referendum authority to approve or reject any act of the General Assembly. Press notices indicate that similar situations have developed in Minnesota and New York, and that the authority of the legislatures in those states to act in the matter of congressional redistricting will be tested in the courts. In Massachusetts and Pennsylvania, the governors are said to be considering vetoes of redistricting bills. In this connection, it is of interest to note that sections similar to those appearing in earlier reapportionment acts relative to the manner of redistricting by the states were stricken out of the census and reapportionment bill of 1929, upon motion of the chairman of the House census committee. Subsequently, Representative Reed of New York offered an amendment to permit the legislature in each state, subject to the initiative and referendum, to formulate new congressional districts by *concurrent resolution*. He cited authorities, including *Hawke v. Smith* (253 U. S. 221), to support his view that the term "legislature" as used in Art. I, sec. 4, of the federal constitution was not intended to include the governor. Since the act of 1929 makes no provision for the manner or method of redistricting, and does not repeal such provisions in earlier acts, presumably Sec. 4 of the act of 1911, which authorizes redistricting "in the manner provided by the laws of each state," is still in effect. The latter statute, however, made no provision for redistricting in the

Neither party in Missouri can view with entire complacency the prospect of a congressional election at large in 1932. Members of Congress, party leaders, press writers, and others have cited numerous undesirable consequences resulting from the failure to pass a redistricting bill, such as the increased cost of both primary and election campaigns to congressional candidates, the possibility of the election of all representatives from the larger cities, the intensification of the prohibition issue (with the "wets" holding a distinct advantage), and the serious disruption to party machinery in the selection of presidential electors, members of the state party committees, and delegates to the national nominating conventions.¹⁶ Though Democratic legislators at a caucus meeting on April 27 decided to "stand pat" on the redistricting bill which the governor vetoed, a number of the Senate and House majority leaders participated in a series of conferences called by Governor Caulfield during the next few days in an effort to reach a compromise. On April 30, the governor announced that he would sign a proposed redistricting bill prepared by a Democratic senator which, it was reported, would give substantial majorities to the Democrats in seven districts and Republican majorities in five, with the other district very evenly divided. It was hoped that the details of this bill could be worked out by House leaders, and that it could be passed by that body while the Senate was engaged in the impeachment trial of the state treasurer. The House recessed on May 2, however, and no attempt appears to have been made by majority leaders to secure action upon the bill, despite efforts of the governor toward that end. The House reconvened on June 2, but recessed from day to day thereafter until the conclusion of the impeachment trial in the Senate on June 12. Formal sine die adjourn-

event of a decrease in the representation of any state. The act of 1901 authorized redistricting in such cases by state legislatures, though no state suffered a loss in representation by that act. The representation of Maine, New Hampshire, and Vermont was reduced by the act of 1882, and provision was made in that act for redistricting in such cases by the state legislatures. *Congressional Record*, 70 Cong., 2 sess. (1928-29), Vol. 70, pt. 2, p. 1604; 71 Cong., 1 sess. (1929), Vol. 71, pt. 3, pp. 2443-48; 46 *Stat. L.*, 21, 26; *U. S. Code*, Title II, chap. 1, sec. 3; 37 *Stat. L.*, 13, 14; 31 *Stat. L.*, 733, 734; 22 *Stat. L.*, 5, 6.

¹⁶ Some of the difficulties suggested were based upon the doubtful assumption that the failure of the legislature to pass a redistricting act before the congressional elections of 1932 would automatically repeal the state statute creating congressional districts in 1901.

ment came on June 15, with only the officers and a few members of each house in attendance.¹⁷

Thus Missouri joins the group of at least half a dozen states in which the avoidance of an election at large for some or all of their representatives in Congress in 1932 is dependent upon the results of court action, popular referenda, or special legislative sessions. The consequences involved in the election at large of such a sizable group of House members suggests a situation unique in the annals of congressional organization. Governor Caulfield announced two days after the final adjournment of the Missouri legislature that he expected to confer with party leaders during the next few weeks, and that if an agreement could be reached upon a redistricting plan, he would call a special session of the General Assembly in the fall before the opening of the 1932 election campaign. It is quite certain that members of Congress from both parties will lend their support to this further effort of the governor to cut the Gordian knot of congressional redistricting.

LLOYD M. SHORT.

University of Missouri.

¹⁷ The General Assembly failed also to take final action on the equally important question of state senatorial redistricting. A committee bill was reported to the Senate on March 25 which, it was estimated, would give the Democrats 19 and the Republicans 15 of the 34 districts. A difference in population of approximately 34,000 between the proposed districts, while excessive, would be a vast improvement over the existing districts with a difference of 55,000 in 1901 when they were formed and 205,000 in 1930. The bill allotted a total of 15 senatorial districts to the four urban counties—St. Louis, Jackson, Buchanan, and Greene—and to the city of St. Louis. The latter, a Republican stronghold, was given only seven of the eight senators to which her population entitles her. The bill was ordered engrossed on April 10, and was passed by the Senate on April 14 by a vote of 21 to 9, with four Republican senators voting "yes" and two Democratic senators voting "no." Dissatisfaction with the proposed districts among many Democratic members, a reluctance on the part of rural representatives to increase urban strength in the upper house, the pressure of other legislation, and the unusual length of the session combined to prevent action in the House.

STATE CONSTITUTIONAL LAW IN 1930-31

OLIVER P. FIELD
University of Minnesota

A. AMENDMENT OF STATE CONSTITUTIONS

The most significant case in the field of state constitutional law decided during the past year is that of *State ex rel. Miller v. Hinkle*,¹ decided by the supreme court of Washington in 1930. This case held that an apportionment act is a "law," and can be popularly initiated under the initiative and referendum provisions of the constitution of the state of Washington. The court granted a petition for a writ of mandamus to compel the secretary of state to accept a petition submitting to popular referendum a proposal to redistrict the state for purposes of representation in the legislature. The legislature had failed for many years to perform its constitutional duty to reapportion the state, and this case illustrates the most conclusive argument in favor of the use of the initiative and referendum for purposes of ordinary legislation, even though the only legislation to which it be applied be that of reapportionment. Many states are faced with a serious problem in connection with over-representation of rural districts in the legislature and under-representation of urban districts. The initiative and referendum seem to offer about the only way out of the difficulty if state legislatures refuse to correct the inequality. The only alternative is that we change our ideas as to the necessity of majority rule in the selection and composition of legislative bodies, a change which the rural districts appear already to have made.

The Washington decision is especially interesting at the present time because of pending litigation in some of the state courts in connection with congressional reapportionment. Congressional districts are created by state statutes, inasmuch as Congress has provided no legislation covering this subject aside from the general requirement that the districts shall be composed of contiguous territory. The constitution of the United States provides that "the times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing senators."² It seems that Congress could alter state regulations con-

¹ 286 Pac. 839 (Wash. 1930).

² United States Constitution, Art. I, sec. 2, cl. 1.

cerning districting and elections so far as they relate to the selection of members of Congress, and that such alterations, if made, must be made by "law." The provision quoted does not state clearly whether regulations made by the states shall be made by "law," the phrase used—"by the legislature thereof"—being somewhat ambiguous. It is very likely that this phrase would be interpreted to mean by "law." It is a matter of some consequence in the states whether this phrase would be so construed, because if apportionment acts are "laws" they must be submitted to the chief executive of the state for approval or veto; while if the words of the constitutional provision are to be taken in their literal meaning, such acts need not be submitted to the governor. There is good reason for believing that the strict interpretation of the word "legislature" followed in connection with Article V of the federal Constitution will not be followed in connection with the creation of districts, as the Supreme Court of the United States has already held that the word "legislature," as used in Article V, excludes a popular referendum,³ while the same court has held that the same word as used in Article I, section 2, clause 1, does not necessarily exclude such a referendum.⁴ This indicates that the same word is used in different senses in these two sections of the Constitution.

A few states have sought to obviate the obstacle standing in the way of exclusive legislative control over this subject by formulating their apportionment acts in terms of joint resolutions, instead of as statutes; but inasmuch as most of the state constitutions place such resolutions on the same plane as statutes for purposes of the veto power, such attempts are likely to prove fruitless.

An interesting and significant advisory opinion on amendments is an opinion of the justices of the supreme court of Alabama, which is to the effect that amendments may be proposed by the legislature in special session, even though the session be held during the period of adjournment of the regular session, and the election at which the amendment is to be voted on is to be within three months after the special session.⁵ The requirement in the Oklahoma constitution that amendments must be proposed by a two-thirds vote of "each house" was held to mean two-thirds of those "elected and constituting" each house, not two-thirds of the majority of each house.⁶

³ *Hawke v. Smith*, 253 U.S. 221 (1930).

⁴ *State of Ohio ex rel. Davis v. Hildebrant*, 241 U.S. 565 (1916).

⁵ 132 So. 311 (Ala. 1931).

⁶ *Looney v. Leeper*, 292 Pac. 365 (Okla. 1930).

B. STRUCTURE AND FUNCTIONS OF GOVERNMENT

1. **Separation of Powers.** According to a New Mexico case, the doctrine of the separation of powers as set forth in state constitutions does not relate to municipal government, and a mayor can be a district attorney so far as any constitutional doctrine of the separation of powers is concerned.⁷ The statutes may provide for separation of powers in local government, but unless they do, such a separation is not required.

A statute was held valid in California which gave the courts the power to fix the compensation of certain officers under the control of the court;⁸ and in *Moore v. Johnson*, legislation permitting a county board to fix the length of term of a school superintendent was upheld.⁹ Legislative delegation to the board of public utility commissioners of the power to abandon grade crossings was held valid in New Jersey as not giving to the commission too broad a discretion;¹⁰ and in Oregon a statute authorizing the governor to proclaim open seasons during which fish and game might be taken lawfully was upheld, although the proclamation issued under this authority was declared invalid for indefiniteness because it did not designate the date at which a season should end.¹¹ Such authority is commonly given to the chief executive, or to the head of the conservation or fish and game department, and has generally been upheld if the proclamations meet the requisite tests of definiteness. In this connection, a statute was held valid in California which gave to a commission power to issue revocable permits to take fish if the commission, in its discretion and after a hearing, found that a species of fish would not be exhausted and that the taking would not result in its waste or deterioration.¹² The court held that this statute provided a sufficient guide to the commission, as the commission must determine the facts referred to by the statute before exercising its discretion, and the statute having indicated what those facts should be, the legislature had sufficiently indicated the grounds upon which the commission should act in granting or refusing permits.

A significant New York case, *Handler v. Berry*, holds a statute valid which gives to the appellate division of the supreme court of that state

⁷ *State ex rel. Chapman v. Trader*, 239 Pac. 594 (N. Mex. 1930).

⁸ *Millholen v. Riley*, 293 Pac. 69 (Cal. 1930).

⁹ 32 S.W. (2d) 353 (Ky. App. 1930).

¹⁰ *West Jersey & S. R. Co. v. Pub. Util. Commr's.*, 152 Atl. 378 (N.J. 1930).

¹¹ *State v. Burekhard*, 194 Pac. 1103 (Ore. 1931).

¹² *People v. Globe Grain & Milling Co.*, 294 Pac. 3 (Cal. 1930).

power to investigate the conduct of judges of certain inferior courts, and the power to remove judges of these courts subsequent to such investigation. The supervision and removal of judges of inferior courts was said to be sufficiently related to judicial work to justify the grant of this power to the courts, although the power of investigating the conduct of officers and the power to remove them from office is ordinarily regarded as executive in nature.¹³

A New Hampshire statute authorizing the probate courts of that state to pass upon applications for pensions, and to keep the public informed upon the general operation of the pension law, was held invalid as delegating executive functions to the probate courts.¹⁴

An administrative body such as the public utility commission cannot exercise the judicial power to punish for contempt or to impose a fine for contempt, because this is a judicial power which can be exercised only by the courts.¹⁵ So, too, an administrative board may not be authorized to make orders divesting owners of condemned land of their title to the property.¹⁶

An interesting example of judicial liberality toward a delegation of power to an administrative officer is afforded by the decision in *State ex rel. Macey v. Johnson*, decided by the Idaho court in 1931. Here the court upheld a statute permitting an administrative officer to collect from inmates of an insane hospital the "actual charges and expenses" of the patient "for care and safekeeping." The court held that the administrator was limited to the collection of actual charges and expenses, and that these words furnished a sufficient standard by which to test administrative action.¹⁷

Article 1, section 25, of the Indiana constitution provides that no law shall be passed, the taking effect of which shall be made to depend on any authority other than that provided for in the constitution. Municipalities were authorized by law to create park districts if the voters of the municipality decided that it should be done. In sustaining this law, the court pointed out that the statute indicated the general policy to be followed in laying out park districts, and the adoption of the plan by the voters alone was necessary to make the law take effect.

¹³ *Handler v. Berry*, 247 N.Y. 46 (Sup. Ct. Sp. Term, 1931).

¹⁴ *In re Opinions of Justices*, 154 Atl. 217 (N.H. 1931).

¹⁵ *People v. Swena*, 296 Pac. 271 (Colo. 1931).

¹⁶ *White v. Maverick County Water Control Dist.*, 35 S.W. (2d) 107 (Tex. Comm. App. 1931).

¹⁷ 296 Pac. 588 (Ida. 1931).

This case indicates the attitude taken by many courts toward statutes of this kind, the explanation usually offered for this attitude being that the statute embodies the policy, that these constitutional provisions are intended only to prevent the formulation of policy by any authority other than the legislature, and that they do not extend to the legislative indication of a particular event, upon the happening of which the legislative policy shall go into force. A municipal election at which the voters decide to proceed in accordance with the provisions of the statute is regarded only as an "event."¹⁸

2. The Judiciary. The judiciary is not a "department" within the meaning of that term as used in the California statute creating the department of finance and subjecting state departments to fiscal supervision.¹⁹

A workmen's compensation statute was held valid although appeals from the board were limited to questions of law so as to make conclusive the awards of the board on questions of fact, and this does not constitute a vesting of the judicial power outside of the courts.²⁰ A board of governors of a state bar association can be given the power to suspend an attorney for advertising for business if the courts have adopted as their own rules the rules of the governing board, the board acting in such a case as the agency of the court.²¹

Declaratory judgment acts were sustained against the attack of unconstitutionality in Nebraska²² and Wyoming.²³ The state courts are now apparently uniform in holding such statutes valid as not conferring non-judicial powers on the courts; the Michigan court—the only one previously holding a contrary view—has pronounced valid a second statute providing for a declaratory judgment. The Wyoming court very properly paid Professor Edwin M. Borchard the tribute of referring to his articles on the declaratory judgment, a distinction which has been awarded to relatively few academic writers on legal and governmental subjects, though the practice is steadily becoming more common.²⁴

¹⁸ *Johnson v. Bd. of Park Commr's*, 174 N.E. 91 (Ind. 1930).

¹⁹ See *supra*, note 5.

²⁰ *DeMay v. Liberty Foundry Co.*, 37 S.W. (2d) 640 (Mo. 1931).

²¹ *Barton v. State Bar of California*, 239 Pac. 818 (Calif. 1930).

²² *Lynn v. Kearney County*, 236 N.W. 192 (Neb. 1931).

²³ *Holly Sugar Corp. v. Fritzler*, 296 Pac. 206 (Wyo. 1931).

²⁴ The article referred to appears in 28 *Yale Law Jour.*, 1. Professor Borchard's most recent article on this subject appeared in the April, 1931, number of the *Columbia Law Review*.

Putnam v. Nordblad,²⁵ an Oregon case, illustrates the refusal of the courts to issue writs of mandamus to high administrative officers in case the duty to be performed by the officer is a discretionary one. Two cases in South Dakota and Missouri involve the validity of statutes conferring on the courts jurisdiction to settle election contests. In the South Dakota case the statute was valid, the jurisdiction having been granted to the supreme court exclusively. The court said that the procedure for settling a contested election was much like a proceeding in *quo warranto*, despite the fact that *quo warranto* may not be instituted until one of the contestants obtains possession of the office, while the procedure for settling an election contest aims to test the right to office before either candidate actually is inducted into office. The South Dakota constitution provides in Article V, section 3, that the legislature may regulate proceedings in *quo warranto*, and under this provision jurisdiction may be vested in the supreme court to settle election contests.²⁶ In the Missouri case,²⁷ a constitutional provision authorizing judges to determine contested elections between candidates for office does not cover contests to settle nominations in a primary, and a statute granting a judge in vacation this power is invalid, as "court" does not include a judge in vacation.

The guarantee of the right of trial by jury does not mean that the legislature may give to the jury the power to decide on questions of law, to the exclusion of the judge; and such was the decision in *People v. Bruner*,²⁸ an Illinois case.

The provision in the Oklahoma constitution, Article VII, section 14, to the effect that on appeal from a justice of peace court to a county court the trial shall be *de novo* means that an entirely new trial shall be held in the county court, just as though no steps had previously been taken in the trial of the case.²⁹ In connection with appellate jurisdiction, a Missouri decision holds that the jurisdiction of the supreme court, when a county is a party to the suit, extends only to cases in which the county is a party on the record, it being insufficient that the county be the real party in interest.³⁰ The Louisiana court of appeal has power to issue writs of prohibition only in aid of its appellate

²⁵ 293 Pac. 940 (Ore. 1930).

²⁶ Warren v. Brown, 234 N.W. 38 (S.D. 1930).

²⁷ State *ex rel.* McDonald v. Lollis, 33 S.W. (2d) 98 (Mo. 1930).

²⁸ 175 N.E. 400 (Ill. 1931).

²⁹ Giles v. Shaw, 293 Pac. 1103 (Okla. 1930).

³⁰ Bowman v. Phelps County, 36 S.W. (2d) 414 (Mo. 1931).

jurisdiction; and when it has not appellate jurisdiction over a particular case the writ may not be issued.³¹ The Indiana appellate court may be given final jurisdiction over certain minor criminal cases, according to a recent Indiana supreme court decision.³² The pertinent constitutional provisions involved in this case were Article VII, section 4, which gives to the supreme court jurisdiction in appeals "under such regulations and restrictions as may be prescribed by law;" Article I, section 12, providing that "justice shall be administered . . . speedily and without delay." Another decision touching the Indiana appellate court sustained the statute requiring that court to put its opinions in writing.³³ The supreme court, according to constitutional mandate, must do this; and that court did not feel that, in view of this provision, a statutory requirement to the same effect could be held unreasonable when applied to the appellate court.

The constitution of Mississippi, in section 260, provides: "Nor shall the boundary of any judicial districts in a county be changed, unless at an election held for that purpose, two-thirds of those voting assent thereto." In *Mulliner v. Bouldin*,³⁴ Division A of the supreme court of that state decided that this provision does not apply to an election to *abolish* districts. The provision applies only when district lines are to be relocated. The county judge in Kentucky may receive additional compensation for presiding at misdemeanor trials, but the aggregate of all his official income must not exceed the five-thousand-dollar figure mentioned in the state constitution.³⁵

Several cases were decided during the past year dealing with the effect of an unconstitutional statute, and one series deals with the validity of amendatory or curative acts which attempt to remedy a situation arising out of a prior decision that a statute is invalid. The courts are not agreed as to the rule which should be followed in these cases.³⁶ A very interesting statement is to be found in *State ex rel. Clithers v. Showalter*, a Washington decision of 1930, which illustrates the mechanical view which some courts take toward decisions affecting the constitutionality of statutes.³⁷

³¹ *State ex rel. Griffin v. Morgan*, 130 So. 868 (La. 1930).

³² *In re* Petition to Transfer, 174 N.E. 812 (Ind. 1931).

³³ *Hunter v. Cleveland, C. C. & St. L. Ry.*, 174 N.E. 287 (Ind. 1930).

³⁴ 131 So. 364 (Miss. 1930).

³⁵ *Robinson v. Elliott*, 32 S.W. (2d) 554 (Ky. App. 1930).

³⁶ *Smith v. State Bd. of Medical Examiners*, 157 S.E. 268 (Ga. 1931); *Clay v. Buchanan*, 36 S.W. (2d) 91 (Tenn. 1931).

³⁷ 293 Pac. 1000 (Wash. 1930): "... a court should not allow the facts of the particular case to influence its decision on a question of constitutional law,

The statement is usually made in judicial decisions and commentaries on them that a statute will not be declared invalid unless it violates some specific provision in the state or federal constitution. The following is a quotation from *People ex rel. Broomell v. Board of Election Commissioners*,³⁸ an Illinois case decided in 1931: "This court has held that, where an amendment to an election law is inconsistent with and repugnant to existing conditions of the law so as to render the amendment inoperative and dangerous, this court will declare the amendment void, and by mandamus order the proper officer to disregard it. . . . The physical impossibility of conducting the election under the amendment of 1929 renders this case a proper one for the writ of mandamus, and the same is awarded." An Iowa case also decided that a statute was invalid because unworkable in fact.³⁹

In *Miller v. Lamar Life Insurance Co.*,⁴⁰ the Mississippi court permitted the state tax collector to challenge the validity of a state tax law because the parties interested, who should normally have challenged the validity of the law, could not easily obtain a determination of the issue. The general rule seems to be that a person not adversely affected by an invalid statute may not challenge its validity, but there are some exceptions to this rule, the Miller case illustrating one of them.

Contempt. Few contempt cases during the year presented new questions, but *In re Glauberman*,⁴¹ decided by the New Jersey court of appeals, presented an interesting group of facts. In that case, a trial court had so aroused some of counsel that they inserted such strictures on that court in their briefs which were presented to the appellate court that the latter court ordered the attorney suspended for printing the derogatory remarks, and reprimanded other counsel for permitting their names to be used on the brief without having read it.

nor should a statute be construed as constitutional in some cases and unconstitutional in others involving like circumstances and conditions. Furthermore, constitutions do not change with the varying tides of public opinion and desire. The will of the people therein recorded is the same inflexible law until changed by their own deliberative action; and therefore the courts should never allow a change in public sentiment to influence them in giving a construction to a written constitution not warranted by the intention of its founders." The court cites 6 R.C.L. 46; *State ex rel Banker v. Clausen*, 142 Wash. 450, 253 Pac. 805 (1928). See also *Harrison v. Nat. Biscuit Co.*, 157 S.E. 666 (Ga. 1931).

³⁸ 174 N.E. 841 (Ill. 1931).

³⁹ *Davidson Bldg. Co. v. Mulcek*, 235 N.W. 45 (Ia. 1931).

⁴⁰ 131 So. 282 (Miss. 1930).

⁴¹ 152 Atl. 650 (N. J. App. 1930).

3. **The Legislature.** Another Illinois decision to be added to the list in that state dealing with the reapportionment problem is that of *People ex rel. Fergus v. Blackwell*, in which the court refused to permit *quo warranto* to be used to test the validity of a member's right to serve from one of the existing districts. The court reiterated its conviction that the legislature could not directly or indirectly be compelled by court action to reapportion.⁴²

In Alabama, an opinion of the justices delivered to the senate expressed the view that any reapportionment in that state must be made so as not to increase the number of senators above thirty-five unless new counties were created, as the senate may not have more than one-third the number of members of the house, and the house has a membership of 106.⁴³ The Arkansas constitution, in Article IV, section 6, provides that the governor shall call special elections to fill vacancies in legislative seats; and in section 11, that each house is to be the sole judge of the elections, qualifications, and returns of members. In Article XVI, section 13, provision is made authorizing any citizen to sue to protect himself and others from the enforcement of any illegal exaction. In *Davis v. Wilson*,⁴⁴ plaintiff sued to restrain the auditor from issuing a warrant to pay a salary to a senator who had been appointed by the governor to fill a vacancy. The injunction was denied on the grounds that it was not the proper remedy whereby to try title to office, and that the senate was the final judge of the election and qualifications of this senator.

An interesting opinion rendered by the judges of the Alabama supreme court to the legislature involved the following set of facts. The Alabama constitution contains no time limit on the length of regular sessions. The legislature adjourned during one of its regular sessions for a longer period of time than that fixed for special sessions. The governor called a special session to meet during the period for which the regular session had been adjourned, and this special session proposed an amendment to the state constitution. The opinion held that a special session could be called under these circumstances, and that constitutional amendments could be proposed during such a session.⁴⁵

Can legislative intent in the enactment of a law be proved in a trial by the testimony of members of the legislature? The Arizona court

⁴² 173 N.E. 750 (Ill. 1930).

⁴³ *In re Apportionment*, 132 So. 457 (Ala. 1931).

⁴⁴ *Davis v. Wilson*, 35 S.W. (2d) 1020 (Ark. 1931).

⁴⁵ *In re Opinions of Justices*, 132 So. 311 (Ala. 1931).

held in *Barlow v. Jones* that such testimony is inadmissible.⁴⁶ An interesting special legislation case in Georgia declared a statute to be special because it classified counties solely on the basis of population for purposes of school assessments.⁴⁷ Courts in many states have gone a long way in sustaining legislation of this kind, but the Georgia court refused to permit this classification because of its belief that there was no necessary connection between population and the purpose for which the statute was enacted.

In South Dakota, a statute providing for the establishment of a new rural credit board was held not to be an emergency measure, and a legislative declaration that it was such a measure was held to be ineffective to keep the statute from being submitted to popular vote in a referendum.⁴⁸ The law did not come within any of the categories mentioned in the constitution, these including laws dealing with (1) peace, (2) health, (3) safety, and (4) support of state government or institutions.

State constitutional provisions regulating legislative procedure do not apply to the work of city councils in the enactment of municipal ordinances.⁴⁹

4. **The Administrative Branch. Governor.** In Indiana, bills may not be presented to the governor during the last two days preceding adjournment; and an Indiana case holds that the governor need take no action on bills presented to him during that period, and that the usual veto provisions have no effect in this situation.⁵⁰

The governor's power of removal was involved in two interesting cases during the past year. In Missouri, a statute was declared invalid which gave to the governor power to suspend the state treasurer. The treasurer is a constitutional officer in Missouri and is subject to impeachment. The constitution also fixes the tenure of his office. The Missouri supreme court held, in *State ex rel. Shartel v. Brunk*,⁵¹ that the state constitutional provision giving to the legislature power to provide for the removal of officers except as otherwise provided for in the constitution did not sustain the statute, since in the case of the state treasurer provision for his removal had been made in the constitution.

⁴⁶ *Barlow v. Jones*, 294 Pac. 1106 (Ariz. 1930).

⁴⁷ *So. Ry Co. v. Harrison*, 157 S.E. 462 (Ga. 1931).

⁴⁸ *In re Opinion of Judges*, 234 N.W. 671 (S.D. 1931).

⁴⁹ *Shepherd v. City of Little Rock*, 35 S.W. (2d) 361 (Ark. 1931).

⁵⁰ *State ex rel. Owen v. Fortieth Judicial Circuit*, 174 N.E. 423 (Ind. 1931).

⁵¹ 34 S.W. (2d) 94 (Mo. 1933).

The Virginia court held invalid a statute authorizing the removal of persons engaged in collecting revenue, the statute not providing for notice or hearing. Appeal to the legislature was provided for by the statute, but appeals could not be taken to the courts. The court held that the statute conferred judicial power on the governor. The constitution of the state gives a similar power of suspension with respect to certain officers, but the court held that suspension cannot be authorized by statute without making provision for notice and hearing. Two concurring opinions were written, and three dissenting opinions, and the whole case is an interesting one to read, although much bad doctrine is to be found in a number of opinions.⁵²

Lieutenant-Governor. The Oklahoma constitution, in Article V, section 23, prohibits members of the legislature from being elected to an office created during the term for which they have been elected, or the compensation of which has been increased during the term. A member of the Oklahoma senate who was a member of the legislature during a session when the governor's salary was raised subsequently became a candidate for lieutenant-governor. His term did not expire until after the date of election, but the supreme court of the state held that in view of Article VI, section 5, of the state constitution, which states that the legislature shall meet and declare which of the candidates received the highest number of votes, the candidate was not elected until the legislature had met and made the declaration of election, and that, therefore, the present candidate could properly have his name put on the primary election ballot, the action in this case having been for an injunction to strike the name of the candidate from such a ballot.⁵³ The court emphasized its opinion that a person is not elected to office until all the steps mentioned in the constitution relative to the election process have been complied with.

In *Rouse v. Johnson*, the Kentucky court of appeals held that the lieutenant-governor is primarily an executive officer, at least sufficiently executive to sustain a statute constituting the governor, the lieutenant-governor, and attorney-general a board of appointment, whose duties included the appointment of members of the state highway commission.⁵⁴ The opinion also discusses the power of the governor in Kentucky to fill vacancies, a subject which is in considerable confusion in that state.

Pardon. Another chapter in the Ferguson saga, with the scene laid

⁵² 157 S.E. 736 (Va. App. 1931).

⁵³ *Gragg v. Dudley*, 289 Pac. 254 (Okla. 1930).

⁵⁴ 28 S.W. (2d) 745 (Ky. App. 1930). See note, 30 *Col. L. Rev.* 1199.

in Texas, closed when a legislative pardon was declared ineffective to remove the effects of an impeachment judgment.⁵⁵ A Mississippi case holds that a pardon absolves an attorney convicted of crime from all the consequences of his crime, so that even though a disbarment order had been entered at the time of entry of judgment against the attorney for the crime, he might nevertheless again enter the practice of law.⁵⁶ *State v. Lee*, decided by the Louisiana court this year, presented a novel series of facts. The defendant had been convicted and sentenced to a two-year term. He was subsequently pardoned for the offense involved. Later on, he was prosecuted for a second offense; and the question arose whether this was a second offense or a first offense so far as cumulative penalties were concerned. The court held that the pardon had the effect of completely wiping out all legal consequences of the first offense, and that the defendant was now a first offender.⁵⁷ The courts of the states are not agreed on this point, some taking a contrary view. Under this decision, the governor can, by his use of the power of pardon, render practically useless statutes providing for heavier penalties for second and third and fourth offenders.

Administration. No cases of outstanding significance in the general field of administration, comparable to some of the administrative reorganization cases decided during the past few years, came up during the past year. The Kentucky constitution provides, in section 161, that "the compensation of any . . . county . . . officer shall not be changed after his election or appointment, or during his term of office . . ." Section 235 provides that "the salaries of public officers shall not be changed during the terms for which they were elected, . . ." In *Bright v. Russell*,⁵⁸ these provisions were held to forbid giving the sheriff fees for issuing dog licenses, a prior law having assigned this duty to clerks of the county. The court suggested that if the work were done outside of the county, or if the duties were not imposed upon the sheriff as sheriff, a different result might have been reached. The five-thousand-dollar limit on officers' salaries in Kentucky does not prohibit two officers, each holding for part of the year, from receiving an aggregate of over five thousand dollars, the constitutional provision being limited to the case where one officer gets more than that sum.⁵⁹ An interesting case from the standpoint of the relation of the state to education, turn-

⁵⁵ *Ferguson v. Wilcox*, 28 S.W. (2d) 526 (Tex. 1930).

⁵⁶ *Ex parte Crisler*, 132 So. 103 (Miss. 1931).

⁵⁷ 132 So. 219 (La. 1931).

⁵⁸ 33 S.W. (2d) 643 (Ky. App. 1930).

⁵⁹ *Whittenberg v. City of Louisville*, 36 S.W. (2d) 853 (Ky. App. 1931).

ing on statutory as much as constitutional provisions, held that the regents in South Dakota could not make a teachers college out of a normal school, the latter having as its primary purpose the training of elementary teachers, not the training of high school teachers.⁶⁰

5. **Finance and Taxation.** Article IX, section 8, of the Minnesota constitution provides: "The money arising from any loan made, or debt or liability contracted, shall be applied to the objects specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever." Section 5 of the same article states that every state debt secured by bonds "shall be authorized by law, for some single object, to be distinctly specified therein." Chapter 265 of the Laws of 1929 authorized payments from the rural credits reserve fund to school districts to reimburse them for the loss of taxes due to the foreclosure of lands located in the district under the rural credits act, the land being taken over by the state as a result of the foreclosure. The statute was held invalid, the law not being confined to general revenue, and the court holding that the reserve fund could not be treated as general revenue. This rule was held to apply whether the money was re-loaned or whether the money used was obtained from interest on loans.⁶¹ Such a decision as this, while perhaps technically supportable, makes more difficult the problem faced in a number of states of reaching a cure for the effect of the present economic depression upon rural school districts in some parts of the Northwest.

The Montana court decided that the word "liability," as used in Article XIII, section 2, of the constitution of that state, providing for submission to popular vote of statutes authorizing the creation of any liability against the state, should be construed broadly, and held that the state highway treasury anticipation act must be submitted to the electors. This act provided for the sale of debentures, to be retired out of the receipts from the motor fuel tax, to be deposited in the highway fund.⁶²

Article XI, section 18, of the California constitution, prohibiting state indebtedness in excess of income, does not apply to the indebtedness of joint highway districts formed by two or more counties.⁶³ In

⁶⁰ State *ex rel.* Prehal v. Dailey, 234 N.W. 45 (S.D. 1931).

⁶¹ State *ex rel.* Common School Dist. v. Sageng, 235 N.W. 280 (Minn. 1931).

⁶² State *ex rel.* Diedrichs v. State Highway Comm., 296 Pac. 1033 (Mont. 1931).

⁶³ Sharp v. Jt. Highway Dist. No. 6, 295 Pac. 841 (Cal. D.C. App. 1931).

Ward v. City of Chicago,⁶⁴ the Illinois constitutional debt limit provision limiting cities does not prohibit the issuance of certificates of indebtedness to pay for water improvements, the improvements to be paid for out of water works earnings and to be set aside in a separate fund. The difficulties in which some cities are finding themselves, due to over-expansion during the boom times, is illustrated in a Florida case. A number of cities are experiencing considerable difficulty in meeting instalments due on certain bond issues, but the Florida court enforced payment of taxes so as to protect the bond-holders under the contract clause of the federal Constitution, even though the taxes were practically confiscatory in some instances.⁶⁵ Other evidences of dissatisfaction on the part of taxpayers with high taxes are to be found in cases, arising more and more frequently, in which the claim is made that the tax is confiscatory; but the courts continue to hold that they cannot declare a tax invalid merely because it is higher than they think it ought to be.⁶⁶

Governmental encouragement to construction projects sometimes takes the form of exempting buildings under construction, and a New York charter provision providing for such exemption was held valid against the attack that such an exemption constituted a loan of credit by the city to the owner of the building.⁶⁷ Exemption cases sometimes turn on the question whether the business in which the person is engaged, or the use to which the property is devoted, comes within the strict terms of the exemption clauses of constitutions or statutes. A Texas case decides that a house used as a residence for the business manager of a private school was not exempt from taxation, as the building was not used "purely" for educational purposes.⁶⁸ The business manager in this case did not use the building as an office, and he received as part of his salary the privilege of living in the house during the term of his employment. An appropriation made to a maternity home governed by a self-perpetuating board, all the members of which were of the same religious denomination, was held invalid in *Collins v. Martin*.⁶⁹ Most of the workers in the maternity home were also of the same religious faith as the members of the board of gov-

⁶⁴ *Ward v. City of Chicago*, 178 N.E. 810 (Ill. 1930).

⁶⁵ *State ex rel. Don Animos v. Lehman*, 131 So. 533 (Fla. 1930).

⁶⁶ *Nashville, C. & St. L. Ry. v. Carroll County*, 33 S.W. (2d) 69 (Tenn. 1930).

⁶⁷ *People ex rel. Fifth Avenue Corp. v. Goldfogle*, 173 N.E. 685 (N.Y. 1930).

⁶⁸ *State v. Waggoner*, 35 S.W. (2d) 389 (Tenn. 1931).

⁶⁹ 153 Pa. 130 (Pa. 1931).

ernors. A statute providing for the reimbursement of treasurers of school districts for money paid out by them to make good losses in school funds due to bank insolvencies was held valid in Minnesota. The proposal to reimburse must, under the statute, be submitted to a vote of the people in the school district.⁷⁰

Cases involving claims to recover illegally exacted taxes are arising with increasing frequency, and numerous constitutional and statutory questions are often involved. One of the problems presented in many of them, when the taxes are exacted by the state instead of by local communities, is that of suit against the state. A few states are unable to render themselves subject to suit except by constitutional amendment, but most of them can solve this problem by statute. California has for many years had a statute authorizing suit against the state in case of contract or tort; but very few claims have been presented under it, and the scope of the statute was not well understood. In a recent decision by the district court of appeals, this statute was held to authorize suit against the state to recover taxes paid under protest under an invalid statute, but to exclude claims against officers for the recovery of such taxes.⁷¹ The case is a very significant one, and there are indications that this statute will soon be put to the use for which it was originally intended, that is, to provide a comprehensive remedial system against state injuries to individuals.

6. *Local Government.* A city under a home-rule charter in Ohio has the power which the legislature would have had, and it may appropriate money to reward an act of heroism, since the legislature would have had the same power. The case involved a construction of Article XVIII, section 3, of the Ohio constitution governing home-rule charters and the powers of cities under them; and this article was held to be self-executing, so that no amendment to the charter was necessary to confer upon the city any specific power.⁷²

One of the troublesome questions in connection with home-rule policy is the question of what functions are state functions and what ones are local. The problem is not limited to those states having home rule for cities; but it often arises there because of the formal recognition given

⁷⁰ *State ex rel. Moser v. Kaml*, 233 N.W. 802 (Minn. 1930).

⁷¹ *Cal. Securities Co. v. State*, 295 Pac. 583 (Cal. D.C. App. 1931). The author has prepared a separate study on this subject, to appear in the *Harvard Law Review* for next autumn.

⁷² *State v. Rusk*, 174 N.E. 142 (Ohio 1933).

to local governments, involving, as it usually does, the problem of more precise definition of local versus state functions. In Nebraska, Omaha was permitted to establish a municipal university, although education was said to be a state function. The court held valid a statute authorizing home-rule cities to establish municipal universities, on the ground that the city acts as a political subdivision of the state, in this case in performing the educational function.⁷³

Article XII, section 6, of the New York constitution, provides that all elections for city officers shall be held in odd-numbered years. This was construed to forbid voting on municipal questions at general state elections, the particular question in the case being a referendum vote on whether an ordinance should go into effect which closed theaters on Sunday in a certain city.⁷⁴

C. RELATION OF GOVERNMENT TO THE INDIVIDUAL

1. **Suffrage and Elections.** A Tennessee case holds that the legislature may deprive a non-resident property-owner of the right to vote in municipal bond elections.⁷⁵ The Georgia constitution requires the payment of taxes six months before an election at which a person offers to vote. One of the qualifications for office is that a person be a voter. The defendant in a *quo warranto* proceeding ran for an office in a special election in April, and the next general election occurred in the following November. He had qualified as a voter for the general election in November, but had not complied with the tax-paying requirement as to the six months' period preceding the April special election. The court held that a candidate must be qualified at the time of election, and that the constitutional provision referred to applied to general elections, although it did not specifically say so, and if the defendant was qualified to vote at the general election in November and was qualified in April, he could vote at the April election, and could, therefore, be a candidate at that election.⁷⁶

2. **Freedom of Speech and Press.** An ordinance enacted by the city of Milwaukee provided that "it is hereby made unlawful for any person . . . to circulate or distribute any circulars, handbills, cards, posters, dodgers, or other printed or advertising matter . . . in or upon

⁷³ *Carlberg v. Metcalf*, 234 N.W. 87 (Neb. 1931).

⁷⁴ *Reycroft v. City of Binghamton*, 245 N.Y.S. 375 (N.Y. Sup. Ct. 1930).

⁷⁵ *Clay v. Buchanan*, 36 S.W. (2d) 91 (Tenn. 1931).

⁷⁶ *McGill v. Simmons*, 157 S.E. 273 (Ga. 1931).

any sidewalk, street, alley, etc." This ordinance was sustained against the attack that it violated the constitutional right of free speech. The measure was sustained on the ground of police protection, as a guard against clogging sewers, littering up streets, and increasing fire hazards. The court construed the ordinance so as not to prohibit the act of handing out bills on account of their contents, but only on account of their form. Newspapers were said not to be included in the ordinance, and the court distinguished between the likelihood that newspapers would not be so readily thrown into the gutters and streets and the likelihood that handbills would be so treated. The bills circulated in this particular case were tracts promulgating certain economic views, and the conviction was sustained.⁷⁷

3. **Freedom of Religion.** A Washington decision construes the anti-Bible reading constitutional provision as applied to the public schools of that state, but nothing new is contained in the opinion.⁷⁸ The Kansas statute forbidding the sale of goods, wares, and merchandise on Sunday was upheld in *State v. Haining*,⁷⁹ and the statute was applied to a sale of the right to enter a theater, no tickets having changed hands in the transaction.

4. **Imprisonment for Debt.** People *ex rel. Sarlay v. Pope*,⁸⁰ a decision by the appellate division of the New York supreme court, decides that if a party refuses to tender payment upon the presentation of a deed, it could be enforced by a decree of specific performance, and proceedings in contempt may be used to enforce the judgment, if no execution is available, despite the fact that imprisonment for debt has been abolished by statute in New York.

5. **Protection to Persons Accused of Crime.** *Bail.* Article I, section 11, of the Texas constitution, provides that bail shall be given except in capital offenses when the proof is evident. Under this provision, the court holds that the burden is on the state to show that the accused is not entitled to bail, and that the evidence must be "clear and strong," although the trial judge is permitted a wide discretion in deciding whether bail should or should not be granted. In *Ex parte Reis*, the trial judge had made a mistake, permitting the prisoner to give bail on the advice of the prosecuting attorney that the prisoner was bailable, when, as a matter of law, he should not have been permitted to

⁷⁷ *City of Milwaukee v. Kassen*, 234 U.W. 352 (Wis. 1931).

⁷⁸ *State ex rel. Clithero v. Showalter*, 293 Pac. 1000 (Wash. 1930).

⁷⁹ 293 Pac. 952 (Kan. 1930).

⁸⁰ *People ex rel. Sarlay v. Pope*, 246 N.Y.S. 414 (N.Y. Sup. App. Div. 1930).

give bail. The appellate court held that the trial court could change its decree during the term of court at which the bail had been given, and commit the person to jail.⁸¹

Jury Trial. Jury trial does not usually characterize proceedings in equity, and the Pennsylvania court decided that no jury trial need be given in an equitable action to settle an account.⁸²

In *State v. Smith*, the Ohio supreme court upheld a statute giving to the accused the right to waive a jury trial, thus following a commendable lead of the United States Supreme Court.⁸³ Such statutes are coming to be upheld with increasing frequency on the ground that the right to jury trial is a personal right and may be waived,⁸⁴ instead of being based on public policy, depending upon considerations other than that of protecting the individual, the latter view being expressed by those courts who refuse to permit waiver of jury trials.

Another case in an important series decided by the Louisiana supreme court during the last few years, involving certain statutes recently enacted in that state in an attempted reform of the criminal law situation there, is *State v. Jacques*.⁸⁵ The court held invalid a statute which permitted one indictment for several crimes arising out of a single act or series of acts, different degrees of crimes triable by different juries under the previous system being involved. The court also held invalid a statutory provision permitting each crime to be tried as a count, all counts triable in one trial under a twelve-man jury, if the crimes were punishable as felonies, the court holding that the requirement of a unanimous verdict of a jury of twelve men could not be required, because the constitution stipulates that only nine men of the twelve need agree.

Cruel and Unusual Punishment. Many state constitutions contain provisions prohibiting the infliction of cruel and unusual punishments in criminal cases. In *People v. Baum*,⁸⁶ the trial court sentenced the accused to a five-year probation period, conditioned on his departure from the state within thirty days. A statute empowered trial courts to

⁸¹ 33 S.W. (2d) 435 (Tex. Crim. App. 1931).

⁸² *Schwab v. Miller*, 153 Atl. 731 (Pa. 1931).

⁸³ 174 N.E. 768 (Ohio 1931).

⁸⁴ *People ex rel. Swanson v. Fisher*, 340 Ill. 250, 132 N.E. 722 (1930), also permits waiver in felony cases.

⁸⁵ 132 So. 657 (La. 1931).

⁸⁶ 231 N.W. 95 (Mich. 1930).

impose such conditions as the case warranted. On appeal, this condition was held to constitute a cruel and unusual punishment. This type of punishment is not so often imposed by courts, but is sometimes imposed indirectly in pardons to the accused. In one sense, the punishment is "unusual," and it might be deemed "cruel" by some observers; but these terms have usually been confined in their meaning to "physically cruel and unusual" punishments, and the instant decision has been criticized for departing from this construction.⁸⁷

Ex Post Facto Laws. According to a California case, a statute denying to habitual criminals the right to parole is not an ex post facto law.⁸⁸ An interesting case in this connection, although not turning technically on ex post facto rules, is that of *State v. Johnsey*,⁸⁹ in Oklahoma. The defendant in this case had escaped from prison. A statute provided that the sentence for this crime should not be for more than double the length of prison term for which the accused had originally been sentenced. This statute was declared unconstitutional, on the ground that it denied the equal protection of the law to the accused. Convicts who escape cannot be put in a separate class for this purpose.

6. Searches and Seizures. A statute requiring junk dealers to keep books and to make an entry of the name of each person from whom metal scraps are purchased, the books to be open to the inspection of police and of persons losing such metal scraps, was upheld in *State v. Segora*, by the Tennessee court.⁹⁰

Prohibition cases continue to furnish novel sets of facts to which to apply the various rules governing searches and seizures. In *Miller v. Commonwealth*,⁹¹ the Kentucky court of appeals had before it the following set of facts. Prohibition officers came to a farm asked the farmer for a drink, and as he was procuring the water for them they looked through a hole in the smokehouse, saw a tub which they thought was filled with mash, opened the door, went into the smokehouse, found that the tub was filled with mash, and then went to the house some yards distant, opened the door of the house (which was not locked), and searched the place, finding some liquor in the house. The officers knew that the owner of the farm was in the barn at the time; if they did not know he was there they could easily have found out that such

⁸⁷ See note, 30 *Col. L. Rev.* 1058.

⁸⁸ *People v. Vaile*, 296 *Pac.* 901 (*Cal. D.C. App.* 1931).

⁸⁹ 287 *Pac.* 729 (*Okla.* 1930).

⁹⁰ 34 *S.W.* (2d) 1056 (*Tenn.* 1931).

⁹¹ 32 *S.W.* (2d) 416 (*Ky. App.* 1930).

was the case. The court held that the liquor seized in the house was not admissible as evidence. The officers were on the farm lawfully, but of their own volition, and under the circumstances they could not search the house without a warrant, inasmuch as no crime was being committed in the house. The search of the house was not incident to a search of the smokehouse. In *Robie v. State*, a search warrant authorized the search of the "residence, outhouses, garage, and cellar" of a named owner at a specified location. No search was made of any of these places, but the officers searched an old unused building about three hundred yards from the house and found there the remains of a still. The court held that evidence was properly admitted which had been obtained by a search of this building. The court agreed with counsel that officers may search only the places mentioned in a warrant when they are acting under a warrant, but pointed out that no warrant was needed to search an old abandoned house which gave no evidence of being inhabited and looked very dilapidated, as the house was not with the curtilage and was not used or connected with the other buildings on the premises.⁹²

Officers went into a hotel, talked with the room clerk at the registration desk, and, with the clerk's consent, went upstairs to a room and rapped on the door. They waited for four or five minutes, when the defendant came to the door, opened it, stepped back, saying nothing, while the officers entered and arrested him for the commission of a sexual crime. At the trial the defendant objected to the introduction of evidence obtained in the room. The court held the evidence admissible on the ground that the officers should be considered to have been "invited to enter," and on the ground that appellant waived his rights, if any, by consenting to the search. This illustrates to what lengths some courts go in applying the consent theory in order to render admissible evidence pertinent in the trial of a criminal case.⁹³

State v. Steeley,⁹⁴ a Missouri case, reiterates the general rule that evidence obtained by a private party is admissible, even though if obtained by an officer it would be inadmissible, because obtained contrary to the unreasonable searches and seizures provisions of the state constitution. In this case, no collusion between the officer and the private individual was shown. If such collusion had been shown, a different rule would have been applied.

⁹² *Robie v. State*, 36 S.W. (2d) 175 (Tex. Crim. App. 1931).

⁹³ *Warner v. State*, 173 N.E. 599 (Ind. App. 1930).

⁹⁴ 33 S.W. (2d) 938 (Mo. 1930).

7. Suits Against States. A number of cases involved the question whether state courts have jurisdiction over suits against state officers or state agencies. The entrance of state governments into the field of highway construction on such a large scale has given rise to a large number of these cases. The general rule is usually enunciated in cases against officers or agencies of the state that the suit will not lie if it is against the agency or officer acting directly for the state government. Statutes granting jurisdiction over such suits are construed strictly in the majority of cases, although a commendable tendency is discernible in some of the more recent decisions toward relaxing this attitude, thus bringing the cases more into harmony with the general principle that remedial legislation should be construed liberally to effectuate its purpose.

One of the problems arising in connection with suits against states is this: Who may express the state's consent to be sued, on behalf of the state? May state consent be evidenced in any other manner than by statute? May, for example, the attorney-general give such consent by appearing and waiving the defense of immunity, arguing the case on the merits rather than on the point of jurisdiction? *Eidenmiller v. State*⁹⁵ holds that statute alone evidences such consent, the attorney-general being without authority to waive the immunity.

⁹⁵ 233 N.W. 447 (Neb. 1930).

NOTES ON MUNICIPAL AFFAIRS

THOMAS H. REED
University of Michigan

The year which has passed since the preparation of the last "Notes on Municipal Affairs" (June 1, 1930) has been even more eventful than the preceding period.

Developments in Particular Cities. *New York City.* The belief which had been growing for many years that the Tammany tiger was, after all, a self-restrained, self-muzzled beast has suffered a rude shock in the exposures of flagrant corruption in the sale of judicial office, the handling of vice, the purchase of land for school purposes, and in many other directions. The district attorney's office has been exposed to the searchlight of investigator Seabury. Charges were preferred against Mayor Walker by John Haynes Holmes and Rabbi Wise in the name of a citizens' committee. Governor Roosevelt dismissed these charges with scant consideration. In the meantime, however, the legislature ordered a most searching investigation of the whole governmental situation in New York—an investigation which bids fair to rival, in extent and dramatic interest, that of the celebrated Lexow committee.

Chicago. In Chicago, Mayor Thompson's political career has suffered, if not extinction, at least a total eclipse. Though victorious against a broken field in the Republican primary, he was defeated by Anton J. Cermak in the election of April 7 by a vote of 476,932 to 671,189. It is probable that the people of Chicago were more anti-Thompson than pro-Cermak, but the new mayor is a vigorous and striking figure. For one thing, he is boss in his own right of the Democratic organization in Cook county. It was one of the theories of Lincoln Steffens, the arch-muckraker, that the way to get good government in an American city is to entrust the management of its affairs to a converted boss. No one else, he felt, had the requisite knowledge of the game to be able to defeat the forces of corruption. Professor Charles E. Merriam, of the University of Chicago, who contributed materially to the election of Mayor Cermak is confident that he intends to give Chicago an administration as nearly as possible the antithesis of Thompsonism. A good start is scarcely a sufficient basis upon which to predict the ultimate character of a Chicago administration. But, to quote Carroll Wooddy,¹ "Mayor Cermak's early appointments

¹ "Jubilee in Chicago," *National Municipal Review*, XX, 321-325 (June, 1931).

fell to men of high caliber, his inaugural address announced a program embodying many of the advanced principles of scientific administration. An advisory committee composed of representative citizens and experts in administration was named to coöperate in bringing about consolidation of departments, standardization of contracts and supplies, improved central purchasing, complete reclassification of the civil service, together with the installation of other devices of advanced personnel management, independent auditing of municipal accounts, continuous supervision of appropriations and expenditures, regular reporting—with still more that may not be included." This is undoubtedly a good start.

The financial crisis which in the early days of 1930 bade fair completely to tie up the government, not only of Chicago but of various other local-government units in the Chicago area, has been weathered, at least for the time being. Most municipal governments in these hard times have considerable deficits, but the Chicago situation was made truly desperate by the extraordinary delay in carrying out a reassessment of property. On the first of January, 1930, the tax rolls for neither 1928 nor 1929 were yet available. In the meantime, the city and the other units of government had been financing themselves by borrowing in anticipation of revenue. They had, however, based their estimates of revenue on a normal increase in assessed valuations, whereas the reassessment considerably reduced the assessed valuation of property, especially in the Loop. The loans, therefore, were considerably in excess of any probable tax receipts for the years in question. When the banks refused to lend any more money, the city and its associated units were unable to meet the salaries of their employees. A citizens' committee headed by Silas H. Strawn succeeded in financing the period to July 1, 1930, by subscription. In the meantime, a special session of the legislature called by Governor Emmerson authorized the issuance of bonds to cover the deficit and passed a number of other bills to make the recurrence of such a situation less likely in the future.

Detroit. Detroit, on July 22, 1930, voted by a majority of 30,956 to recall Mayor Charles Bowles. Under the peculiar provisions of the Michigan election laws as they then stood, Mayor Bowles was continued in office until after a second election on September 9, at which he was automatically a candidate to succeed himself. The opposition to Bowles found it impossible to get together upon a single candidate, and their division nearly resulted in his reelection. With the support

of William Randolph Hearst's *Detroit Times*, Judge Frank Murphy, of the Recorder's Court, succeeded, however, in obtaining a small plurality. The other two Detroit papers, the *Free Press* and the *News*, supported George Engel, who ran third. The campaign was characterized by extraordinary virulence, and was climaxed by the murder of a radio announcer who had taken a prominent part in the attack on Bowles. It is impossible from the mass of calumnies which accompanied the campaign to draw any definite conclusion as to the merits of the controversy. Bowles was accused of corrupt relations with the underworld, probably with some justice. The Murphy administration has apparently given, on the whole, reasonable satisfaction to the people of Detroit; though as this is written, proof of what amounts to at least colossal carelessness in the administration of the huge unemployment relief funds of the city has been brought to light. To what extent responsibility for this situation will be pinned upon Mayor Murphy is now impossible to say.

The City Manager Plan. The manager plan has continued to grow with moderate speed. In the calendar year 1930, eighteen cities in the United States and two in Ireland adopted it. Of these cities, Dublin, Ireland, Dallas, Texas, and Oakland, California, are prominent enough to deserve special mention. Only one city, Brandon, Manitoba, voted to abandon the plan. The 1930 session of the Kentucky legislature passed a new optional city manager act for second-class cities in place of the act of 1928 declared unconstitutional because of a defect in the procedure of its passage. The 1931 session of the Pennsylvania legislature was the scene of a vigorous battle over two measures: (1) an optional city manager law for Philadelphia, and (2) a similar law for second- and third-class cities. Both of these measures went down to defeat, but the campaign for them was energetically waged. Especially notable was the enthusiastic support of the Pittsburgh newspapers for a manager system for that city. The defeat of this measure was due largely to the attitude of the officials of the third-class cities, who very clearly realized the inroads which the manager plan would make in that group of municipalities, once the optional law was on the books. The Citizens' Charter Committee of Philadelphia put on a spirited and original campaign, but was handicapped by lack of funds and the general apathy of the voters. It may be said, however, that these 1931 proceedings mark a distinct advance toward real municipal reform in Pennsylvania.

Several studies have recently made available interesting information

on the growth of the manager plan in general. It has often been stated that the manager plan has found favor chiefly in the smaller cities. It is apparent, however, from the analysis of manager cities by population groups which appears in the accompanying table that the proportion of the larger cities which have adopted the manager plan is much heavier than in the case of the smaller cities. It is, indeed, significant that approximately a fifth of all cities in the United States of over 25,000 inhabitants have adopted the manager plan. It is still more significant that eighteen per cent of those over 100,000 have done so.

TABLE I²

PERCENTAGE OF COUNCIL-MANAGER CITIES OF TOTAL NUMBER OF CITIES IN U. S.
WITH POPULATION OVER 2,500

<i>Population Group</i>	<i>Number of Cities in Group</i>	<i>Cities with Council-Manager Plan Number</i>	<i>Per Cent</i>
2,500 to 10,000	2,183	174	8
10,000 to 25,000	606	107	16
25,000 to 50,000	185	34	18
50,000 to 100,000	98	23	23
Over 100,000	93	17	18
	<hr/> 3,165	<hr/> 355	

The past year has witnessed also the publication of the first serious attempt to analyze the causes for the abandonment of the manager plan.³ Its author lists eighteen cities and towns in which manager government has been disestablished. It would seem that he was scarcely justified in including three of them—Michigan City, Indiana, which lost its manager government by reason of a decision of the Indiana supreme court on the constitutionality of the optional city manager act, and Dearborn, Michigan, and Missionary Ridge, Tennessee, which lost their identity as a result of annexation to larger cities. Deducting these three, the total of fifteen is not at all impressive. Most of the abandoning cities have been small and unimportant, and in the two largest—Akron, Ohio, and Nashville, Tennessee—the city manager plan was never given a fair trial. In several instances, the manager charter was taken away by the legislature, which leaves in doubt the

² Clarence E. Ridley, "Recent Developments in Council-Manager Government," *Municipal Index*, 1931, pp. 120-122.

³ Arthur W. Bromage, "Why Some Cities Have Abandoned Manager Charters," *National Municipal Review*, XIX, 595-603, 761-766 (Sept. and Nov., 1930).

real wishes of the people. Many of the so-called abandoning cities never really had the manager plan. For example, in Albion, Michigan, the manager was obliged to chase speeders on his motorcycle to help out the police department, and to hop the fire truck on an alarm of fire to help out the fire department. He was a general utility man, not a manager. It cannot be wondered at that the plan failed to impress the people of Albion very deeply. Santa Barbara, California, affords another type of experience in which abandonment had little to do with the merits of the manager plan. Santa Barbara had as its chief organ of public opinion a rule-or-ruin newspaper which at length succeeded in creating a state of mind in which no institution could stand—certainly not such an imperfect instrument as the Santa Barbara charter. Then there are certain Florida cities which abandoned the plan in the desperation following the collapse of the boom, when the population, like a wounded bear, was ready to bite off any head that showed itself.

Another aspect of the managership which has received statistical demonstration is the increasing tendency toward professionalization. The following two tables, made up from the "Official Directory of Council-Manager Cities and City Managers" published annually by the City Managers' Association in its *Yearbook*, indicate the steady progress which is being made toward stability of tenure.

TABLE II
LENGTH OF SERVICE OF CITY MANAGERS IN CITY OF INCUMBENCY

	July 1, 1920	March 1, 1925	January 1, 1931
Less than one year	62	36	74
1-2 years	44	74	69
2-3 years	31	55	66
3-4 years	9	42	37
4-5 years	5	24	31
5-6 years .....	..	21	25
6-7 years	4	15	17
7-8 years .....	..	6	17
8-9 years	1	4	14
9-10 years	1	..	9
10-11 years .....	..	..	8
11-12 years .....	..	1	7
12-13 years .....	..	..	7
13-14 years .....	..	..	3
14-15 years .....	..	..	2
	157	278	386

TABLE III

LENGTH OF SERVICE AS CITY MANAGERS OF MANAGERS IN OFFICE

	<i>July 1, 1920</i>	<i>March 1, 1925</i>	<i>January 1, 1931</i>
Less than one year	54	29	35
1-2 years	43	67	64
2-3 years	32	51	56
3-4 years	2	43	42
4-5 years	5	26	36
5-6 years	3	23	39
6-7 years	7	20	24
7-8 years	1	10	28
8-9 years	1	4	19
9-10 years	2	1	14
10-11 years .....	..	1	16
11-12 years .....	..	4	8
12-13 years .....	..	..	13
13-14 years .....	..	1	4
14-15 years .....	..	..	4
15 years and over .....	..	..	3
	157	280*	405

The detailed information on which these estimates of length of service were based has not been published, but they are certainly not far from accurate. The author of these notes wrote in 1926: "Faith in the manager plan awaits complete demonstration, but it is reasonably supported by the facts as we know them." Another five years of experience have served to confirm this tentative conclusion. There is, of course, no certainty that the manager plan will ever be extended so that managers will become as numerous as mayors are now, but all indications point more strongly that way than they did five years ago. Approximately a hundred cities—an increase of nearly one-third—have been added to the manager roll since 1925. In the same period, but

*Two managers are added to this table who were not considered in the preceding table because they took office on March 1, 1925. Mention should likewise be made of five managers who have served two terms in the same city, but whose previous terms are not considered in this table.

In the article previously quoted, Dr. C. E. Ridley gives the average length of service of city managers as follows:

January, 1916—1 year, 7½ months

January, 1921—2 years, 15 days

January, 1926—3 years, 4 months

January, 1931—4 years, 11 months

eight cities—none of them of much importance, and none of them under circumstances of serious discredit to the plan—have abandoned manager government. There were then but seven manager cities of over 100,000 population. There are now seventeen. The manager plan has ceased to be a novelty, but it has not declined in popular favor. In fact, it is spreading, not very rapidly, it is true, but with impressive steadiness. Experience with the plan has demonstrated that it will work in large and small cities more satisfactorily, on the whole, than any other plan of municipal organization yet discovered.

For one thing, the last five years have shown that the plan can be a success in large cities. Cincinnati, prior to the adoption of the charter amendments of 1925 one of the worst governed cities in the country, now has a superlative administration based on successfully organized popular support of the city manager principle at three council elections. In Rochester, New York, where the plan went into effect on January 1, 1928, it has apparently given satisfaction to the majority of the people, and has successfully weathered the critical second election of councilmen in November, 1930. Cleveland has been a constant battleground; four times in the last six years the foes of the manager plan have brought before the people proposals for its abandonment. They have been successfully repulsed by majorities small but dependable and unflinching. The managership in Cleveland has been treated as a political post, both of the two managers up to now having been named by the dominant political machine. Both have, however, been men of ability and character who have given the city administrations which, on the whole, compare favorably with the best of the old régime. In Cleveland particularly, the plan has shown itself adaptable to a situation of which bitter party and factional struggles and strong political machines are characteristic. This is perhaps the hardest test to which the manager plan can be put. In none of these cities has there been noticeable failure in vision or leadership such as some critics have feared was inevitable in large cities. Indeed, no American city has ever enjoyed more effective leadership than Cincinnati has had under its present form of government. In Kansas City, it is true, the managership has not been able to rise above the level of the political organization which controls, as it did before the advent of the new scheme of government, the destinies of that city. The manager plan is no automatic means of producing good government. It can only reflect the ideals, or lack of them, in the men whom the processes of democracy bring to the city council. Even in Kansas City, however, there has been

no weakening of popular interest in or control of the city government. At his worst, the manager acts like a mayor—that is all. A rapid survey of the character and achievements of the mayors of our larger cities in comparison with the managers of Cleveland, Rochester, Cincinnati, and Kansas City will convince anyone not blinded by partisan or personal considerations that councils can select an executive more wisely than the people can elect one.

Mixed Mayor-Manager Government. Considerable attention has been attracted during the past year to proposals to combine the managership with a powerful elective mayorship, or in other words to make the manager the servant of the mayor rather than of the council.

Detroit. Dr. Lent D. Upson, of the Detroit Bureau of Governmental Research, made the suggestion that there should be established in Detroit the office of "administrative assistant to the mayor," and that the incumbent should act as the mayor's deputy in administrative matters at a salary of at least fifteen to eighteen thousand dollars a year. The administrative assistant, under Dr. Upson's plan, would be appointed by the mayor from a list of eligibles prepared by the civil service commission, but might be removed by the mayor at his discretion upon presentation of charges. Dr. Upson sums up the advantages of this scheme under five heads:⁵

"(1) A very considerable proportion of administrative detail could, and probably would, be delegated by the mayor to such officer. As new mayors came into office, unfamiliar with the details of public affairs, it is probable that more and more responsibilities and duties would find their way to the desk of the assistant. Certainly a large part of a mayor's time is now taken in making decisions which could be done equally well or better by someone having a continuous knowledge of the issues involved.

"(2) An incoming mayor would have as his aid an official entirely familiar with the administrative features of the government, and from whom he could quickly have the facts at hand with respect to any administrative problem raised. This condition does not exist at the present time, particularly if the more important officers go out of office with the outgoing mayor.

"(3) Experimentation and improvement in administrative procedure and the carrying out of administrative programs probably

⁵"A Proposal for an Administrative Assistant to the Mayor," Detroit Bureau of Governmental Research, Report No. 128.

would be continuous regardless of changes in the mayoralty, and would be subject to the continuous attention of a competent person. At the present time, the period between elections is so brief that no mayor has a proper opportunity to consider improvements in administrative procedure or to undertake their successful installation.

“(4) The mayor could continue as the policy promoting head of the city government, urging on the public and the common council definite governmental policies which may be for the benefit of the community. Under the city manager plan, this leadership in policies must rest in the common council, where ordinarily the division of power is such that no single individual can assume an outstanding position.

“(5) The successful selection of a competent person for the position of administrative assistant by the merit system should eventually suggest the application of a similar plan to the selection of the commissioner of public works, the controller, the corporation counsel, and the police commissioner, in particular, and probably of other officers immediately subordinate to the mayor, so that the periodic dismissal or resignation from office of these officials would be substantially curtailed.”

This proposal has not gone beyond the stage of academic discussion. That it has some merit as a means of providing the mayor with expert assistance and advice in the performance of his very arduous functions is obvious. It is equally obvious that these advantages are not the advantages of the city manager plan. The administrative assistant is no more than an assistant, a subordinate of a powerful political officer. The results would depend very largely upon the willingness of the mayor to accept his suggestions. The proposal is really not much more fundamental than would be one to establish an official bureau of municipal research with the duty of offering information and advice to the mayor and other officials of the city.

Oakland. The people of Oakland, California, adopted at the November, 1930, election amendments to their charter providing for manager government in its traditional form. Mayor Davey, who for years has been the dominant political figure in Oakland, brought about the presentation, on the same ballot with the manager plan amendments, of a list of freeholders who, if elected, were to draft a new charter. The proponents of the manager plan, thinking that this was merely a device to throw dust in the eyes of the people, ignored the freeholder question and concentrated solely upon carrying the amendments. It thus happened that not only were the amendments adopted but the board of

freeholders was elected. This board proceeded at once to the preparation of what it called a manager charter, which, however, provided for the popular election of a mayor with power of veto and power to appoint the city manager, the assistant city manager, the principal heads of departments, and many other important city officers and boards, and to remove the same at his pleasure. This remarkable document further provided: "The city manager shall be responsible to the mayor for the proper and efficient administration of all of the affairs of the city placed in his charge, and to that end, subject to the civil service provisions of this charter, . . . he shall have the power, after advising with the mayor and subject to the mayor's approval, to appoint, discipline, discharge and remove any head of a bureau, department, or subordinate officer or employee of the city responsible to him." Interference with the manager by the council, or with the council by the manager, is rigidly prohibited. Otherwise, the duties of the manager are set forth in terms not unlike those in other manager charters. Plainly, the manager was intended by the freeholders to be a mere servant of the mayor. Whether or not he would exercise any personal authority would depend upon the activity or non-activity of the mayor. The advocates of the city manager form of government, who had secured the adoption of the amendments at the fall election, opposed the adoption of the new charter, and at the election which was held on March 31, 1931, the freeholder charter was defeated; accordingly, Oakland remains in the city manager column.

Of course, the theory which underlies the thought of those who honestly believe that the manager should be responsible to the mayor is that a mayor may be an actual leader of public opinion in a sense which is impossible for the city manager, that under the manager form of government leadership must depend upon groups of citizens like the city charter committee in Cincinnati, and that the existence of such leadership is purely adventitious. This is, obviously, to deny that city councils are capable of assuming leadership in large cities. Opposition to this mixed mayor-manager government is based upon the apparently well-founded belief that a manager appointed by the mayor would never enjoy any practical degree of professional independence, and that therefore all the essential advantage of the manager plan is lost. It is believed, too, that the manager and council can between them provide the community with a better type of constructive leadership than anything which the mayors of our larger cities have been able to offer us in recent years.

Metropolitan Government. *St. Louis.* The St. Louis project described by Dean Loeb in the last "Notes on Municipal Affairs" came to an untimely end through the defeat of the enabling constitutional amendment at the election of November 4, 1930. The amendment carried by a small majority in the city of St. Louis, and was defeated in St. Louis county—though by a vote which indicated a trend toward consolidation. In the state at large, however, it suffered heavily. It is to be borne in mind that all of the seven propositions on the ballot were defeated, and that a series of perfectly harmless charter amendments in St. Louis were strongly repudiated by the voters—that, in fact, the election took a decidedly negative turn. The public was in bad humor. The insurance companies organized a vote-no-on-everything campaign to make sure of the defeat of a proposal for a state workmen's compensation fund. The financial depression contributed in another way by making it difficult to raise money; and a state-wide educational campaign cannot be carried on without large expenditure, whatever the Nye committee may think about it. No effort to renew the battle for a Greater St. Louis will probably be made until 1932 at the earliest.

Pittsburgh. At its 1931 session, the Pennsylvania legislature passed a proposed constitutional amendment altering the two-thirds majority required in a majority of the units in Allegheny county for the ratification of the Greater Pittsburgh charter to a simple majority in a majority of the units. This measure will have to be passed by the next session of the legislature and then submitted to the people and passed by them before further action on the charter will be possible.

Cleveland. The proponents of a Greater Cleveland presented to the legislature an amendment to the Ohio constitution which would have enabled the legislature to deal with the question of county reorganization by the adoption of model county government acts, and would have permitted in Cuyahoga county the establishment of a Greater Cleveland, retaining the existing city of Cleveland and the other units in the area as elements in the scheme, provided a majority of the people in Cleveland, a majority in Cuyahoga county outside of Cleveland, and a majority of the people in a majority of the units outside Cleveland voted in favor of so doing. This measure, like its predecessors, met defeat.

Boston. The committee appointed by Major James M. Curley for the purpose of studying the question of metropolitan consolidation and of formulating a measure to be submitted to the legislature ultimately

presented two bills to the Great and General Court of Massachusetts. Both were referred to the next annual session.

Atlanta. One of the readiest arguments on behalf of metropolitan consolidation has been the additional census rating which would thereby be acquired by the city. The ruling of the census bureau refusing to recognize the "municipality of Atlanta" and the decision of the court of appeals of the District of Columbia upholding this ruling⁶ have occasioned some alarm to the "greater population" advocates. The Georgia legislature, in August, 1929, united the city of Atlanta and several outlying communities to form the so-called "municipality of Atlanta." Provision was made for a governing body for this municipality, which, however, was given no general powers or powers of taxation. It was authorized merely to make plans and offer advice to the existing units pending the creation of a real "greater city." The census bureau refused to recognize the municipality of Atlanta as a unit for census enumeration. Atlanta protested the ruling and carried it to the federal courts. The court of appeals of the District of Columbia upheld the authority of the census bureau to determine what units it will recognize. The court, of course, did not pass upon the main question involved, but merely upon the right of the census bureau to settle that question. It is pretty clear that the municipality of Atlanta was not a bona fide unit of local government. It was simply a unit created for the purpose of obtaining a higher population rating. If a state creates a city with general powers of government and taxation, although reserving certain powers to boroughs or other units within it, the probability is that the census bureau will accept the state's determination that the "greater city" is a city. The Atlanta case scarcely decides this issue.

⁶ U. S. *ex rel. Atlanta v. Steuart*, *U. S. Daily*, March 3, 1931.

FOREIGN GOVERNMENTS AND POLITICS

The Position of the British Parliament. The British Parliament has been passing through a period of pianissimo. Its praises should be sounded very softly, while its inadequacies and imperfections should be given wide attention. This does not imply a lack of veneration and respect for the Mother of Parliaments, but merely that a realistic approach should be made to the present-day value of this progenitor of the sturdy race of legislatures. No political institution is eternally successful, and even British institutions which have evolved so slowly, and in general so soundly, are no exceptions. The halo which surrounds Westminster is so great, however, that it almost blinds one to the imperfections which exist within those hallowed precincts. It seems almost sacrilegious, as a great British statesman recently observed, to attempt to meddle with "those great forms of procedure which have been handed down to us." And yet when the Mother of Parliaments has so obviously deteriorated as to lose much of the respect and prestige which was formerly its possession, one seems justified in calling attention to its inadequacies.

The fact is that in the last thirty years Parliament has gradually become an inefficient legislative body which does not effectively control the government, and which the people can hardly be said to control. As early as 1908, President Lowell wrote that "the House of Commons is finding more and more difficulty in passing any effective vote, except a vote of censure."¹ In 1931, it is doubtful whether even this can be done in a satisfactory way. In his notable book, Mr. Ramsay Muir recently wrote that "it is merely absurd to say that Parliament 'controls' the cabinet in its executive functions;" and further, that "Parliament has next to no independent control over either legislation or taxation."² "The business of the member of Parliament," says Professor Laski, "is not to discuss but to vote, and Parliament has ceased to be able effectively to do its work."³

This unsatisfactory position of Parliament strikes most recent observers, and it has at last sunk into the official consciousness. Shortly after becoming prime minister, Mr. Ramsay MacDonald appointed, on October 31, 1929, a government committee headed by the Earl of Donoughmore "to report on the safeguards necessary to secure the

¹ *The Government of England*, I, p. 355.

² *How Britain is Governed*, pp. 14-15.

³ *Manchester Guardian*, Dec. 19, 1927.

constitutional principles of the sovereignty of Parliament and the supremacy of law."⁴ Mark the words carefully. Obviously, His Majesty's Government is at last convinced that Parliament has lost its one-time preëminent position.

How has this condition come about, and what evidence have we of parliamentary decrepitude and incapacity?

In the first place, the British Parliament has had unloaded upon it in the last quarter of a century a number of enormous burdens. As in other countries, so in Britain, governmental activities have doubled and tripled and quadrupled in variety and quantity. As late as the fiscal year 1913-14, the total national expenditure amounted to about one billion dollars. But in 1925-26 it was over four billion dollars. The mere mention of the Old Age Pensions Act, the National Insurance Act, the various acts extending the powers of the Board of Trade, the creation of the Ministry of Mines, the Ministry of Health, the Ministry of Labor, and the Ministry of Transport gives concrete evidence of the amazing increase in the functions of government. Every new governmental activity has added to the burden of work which Parliament is supposed to do. Unfortunately, however, these new governmental activities have been set up and provided for without, at the same time, adequate provision being made within Parliament for their control. But the point here is merely that increasing work is one of the chief contributing causes of parliamentary debility. A tired old machine could hardly be expected to carry an increased load of unexampled proportions.

But perhaps more important as deciding factors in the changed status of Parliament have been the recent rapid extensions of the franchise and the remarkable growth of party organization. The democratizing of the electorate might well be expected to democratize Parliament and to place the control of that august body more in the hands of the citizens than had previously been the case. The theory of the British system is that the people choose and control their Parliament, and Parliament chooses and controls the cabinet—in effect, therefore, that the people can secure the executive for which they vote. Not so today. Contemporaneous with the growth in the electorate has come the growth of party organizations. With an enormous, heterogeneous electorate it is necessary to pay attention to organization, and in the

⁴ See *Labour Bulletin*, Jan. and Feb., 1930, for the membership of this committee, together with the membership of all other committees which have been set up since Labor came to power.

last twenty-five years the whole face of British parties has undergone a change.⁵ The party machine has assumed a recognized and controlling position in the British political order; and Parliament, being the central cog in the governmental machine, has quite naturally been most vitally affected by this party development.

Many observers are inclined to blame the government, the cabinet, for the loss of parliamentary power. But this is not the whole story. As an M.P. has recently put it: "It is not the government which has subdued Parliament, nor the prime minister with his threat of dissolution, but the chief whip with his ultimate verdict as to reelection at all. It is the scores of thousands of local party committee-men who control Parliament, it is the hundreds of thousands of canvassers and workers without whom no man or woman can gain or hold his seat."⁶ In other words, the party machine has extended its tentacles into Parliament to control the individual member, and as a result both the cabinet and the Parliament have a changed relation toward each other and toward the electorate. On top of the increased burden placed upon it, therefore, Parliament has had to alter its position to conform with the inevitable but great development of party organization.

Furthermore, there has gradually developed in Britain a third party, a third body of political opinion, represented by the Labor party. The rapid and phenomenal growth of this party to the position it now occupies as the most powerful party in the state has had a great effect upon the whole British system. So far as the machinery of parliamentary elections is concerned, the existence of a third party greatly complicates, if it does not render out of date and unsatisfactory, the existing system of election. The danger of minority representation, of an unrepresentative Parliament, is always present. The House of Commons and the constituencies may be, and frequently are, at cross purposes. The *Manchester Guardian* stated the situation baldly when it remarked in 1928 that "we have two Houses of Parliament, and neither of them represents the majority of the nation. Nor does the Government."⁷

Until recently, however, there has been little effort to meet the situation. A committee representing all parties, under the chairmanship of Viscount Ullswater, was appointed in the fall of 1929; and after

⁵ See my study entitled "British Party Organization," in *Political Science Quarterly*, XLV, pp. 161-180 (June, 1930), for a treatment of this question.

⁶ *Political Quarterly*, I, p. 366.

⁷ Jan. 9, 1928, editorial.

several months of consideration it failed to reach any general agreement as to the amendment of the British electoral system.⁸ The prime minister, however, has announced his intention of tackling the problem in the present session of Parliament, and we can only await the enactment of his proposal with the hope that it will bring to an end the criticism which now is so justified, namely, that Parliament is not accurately representing the nation.

The growth in government activities, the extensions of the franchise, and the growth of party organizations, together with the introduction of a third party into the state, have all combined to render the British Parliament of Bagehot and his classical successors quite impotent to control policy and administration. On the surface, there is little change. The forms and ceremonies of earlier centuries have survived. Members still indicate emotions by the voice and not by applause; they still bow to the Speaker—or at any rate most of them do; and they are still summoned to the House of Lords by Black Rod.

But when one diligently observes Parliament day in and day out, and takes the pains, as Professor Muir has so admirably done, to go behind forms and statutes and appearances, one can easily observe wherein Parliament has lost its former glory and power. A few particular instances of parliamentary incapacity or inefficiency come readily to the fore.

Take, for instance, what the British call "legislation by reference." One has been taught to have the greatest respect for the form and content of British statutes. But in recent years there has been loud complaint from many of the ablest members against presenting to Parliament bills which are not in understandable form. Sir John Simon complained about a recent important bill that it required "a form of parliamentary treasure hunt. Bills are not in plain English," he said, "but in double Dutch. They have an air of a Chinese puzzle. Legislation should be enacted in such a form that a person who was prepared to take the trouble—a social worker, a political agent, a subordinate official in a trade union—might have the document before him and use it."⁹ Lord Carson, in discussing a bill, said that "this is what we have been protesting against at the bar, on the bench, and in the House of Commons ever since I came into Parliament thirty-five years ago—

⁸ *Conference on Electoral Reform, Letter from Viscount Ullswater to the Prime Minister*, Cmd. 3636 (1930).

⁹ *Parliamentary Debates, Commons*, Vol. 211, col. 1768 (Dec. 9, 1927).

legislation by reference. But it is legislation by reference gone stark, staring mad. I never in my life read such a production."¹⁰

Arising out of this same point we find voluble and learned criticism of bureaucratic "despotism," as Lord Hewart calls it. Parliament, being unequal to its herculean tasks, has gradually lost to the administrative services control over important matters. Delegation of power has gone far, and there is a strong suggestion that arbitrary actions have increased. If Whitehall is not subservient to Parliament, as it clearly is not, and if, as Lord Hewart insists, it is not subject to proper restraints by the courts, we do have indeed a "New Despotism." The point deserves close attention. By the terms of reference, the Donoughmore committee is required to interest itself in the means necessary to "secure the supremacy of law" as well as to "secure the sovereignty of Parliament." Both phases of the problem are of critical importance to the integrity of British political institutions.

Consider also the way in which parliamentary machinery has become clogged. The history of the last fifty years has been a history of the development of various mechanisms for the prevention of discussion. And by claiming "pressure of business" the government can rush the most important matters through the Commons. The recent report of a House of Commons committee on its hours of sitting suggests an institutional bankruptcy which needs no emphasis. So much business must be transacted, and so little time exists for doing it, that the machinery is always clogged, and many urgent bills, even under the "gag rules" in existence, cannot be got through in a session.

Observe how question time is consumed. A recent writer rightly pointed out how the importance of the question hour is steadily declining. "Not only is no debate allowed," he wrote, "but supplementary questions are severely restricted. It is just possible to rush through the 100 questions in the hour."¹¹ Question hour is really a trivial catechism which ministers go through with a surprising lack of interest, and in recent years it has been very rare to find questions causing motions "to adjourn to consider a definite matter of urgent public importance." In 1925, 1926, and 1927 there was not a single such motion.

The standing committees which were supposed to assist the House of Commons in carrying its great load have not been successful. They

¹⁰ *Parliamentary Debates, Lords*, Vol. 69, col. 1023 (Dec. 15, 1927).

¹¹ *Political Quarterly*, I, p. 351-361.

are too large; they follow the procedure of Parliament; they waste time; and they do not have the real discussions over the table which occur in American congressional committees.¹²

But more essential than all these criticisms is the criticism of the way in which Parliament handles financial matters. The control of the purse is vital, and yet it is now clear that the House of Commons is a very poor agency for criticizing the estimates. It has practically abdicated its power to the cabinet. The budget statement is ill adapted for disclosing the true financial position of the country, and very few persons are able to find their way through its devious passages. The inability of the House of Commons to control expenditure and to ensure economy is largely due to this unintelligibility of the national accounts. All votes on the budget still involve the fate of the government, and under this system desirable changes in the budget and effective control by Parliament are in practice eliminated.

Voting in the Commons has become a good deal of a form. A quarter of an hour is wasted on each division, when on a straight party question everybody knows what the result will be. Independent voting is almost unknown. Members file into the division lobbies like so many soldiers obeying orders. Party discipline is nearly one hundred per cent perfect. But of course voting records are kept and published, and are used in political campaigns, and so the dismal divisions on every point must be taken.

Finally, the membership of Parliament has undergone a considerable change. As Mr. Muir has so well pointed out, the election system "notoriously fails to sort out the most suitable men for the work of Parliament, and excludes many men of distinction whom almost the whole nation would desire to see included in its membership."¹³ One can easily observe this in watching the House of Commons. It is doubtful whether Bryce could today place his own House of Commons on a higher level of ability than the American House of Representatives. Many men of ability do not cherish the dismal inaction of a back bencher. They do not relish the constant application of the party whip, and they are not keen to risk their political fortunes with an election system which is somewhat of a gamble. They may express opinions in the Commons without influencing the course of debate and without in-

¹² A good, recent criticism of the standing committees appeared in the *New Statesman*, XXXV, p. 460 (July 19, 1930).

¹³ *Op. cit.*, p. 169.

structing the country. They no longer give their instructed judgment to the working of the English constitution.

The House of Lords contains many men of great ability, and yet, in the words of Lord Charnwood, "it has been belittled and reduced to a condition bordering upon absolute futility. We know perfectly well," he said, "that toward the conclusion of every session we are called together to discharge work which we cannot discharge to our own satisfaction or to the complete satisfaction of anybody else. Year by year we come together, and there follow long weeks and months during which our life corresponds, to put it plainly, to the description given in a famous song that the House of Lords did nothing in particular and did it very well."¹⁴ Another noble lord on another occasion remarked that the House of Lords "is disappearing from inanition."¹⁵ Its talents are not utilized in legislation, and it is not able to make any substantial contribution toward efficient government.

These evidences of decrepitude and inefficiency in the British Parliament—and the list has by no means been exhaustive—should be sufficient to demonstrate the fact that the Mother of Parliaments is fast approaching a crisis. The system by which it is elected is faulty. Its internal procedure is antiquated. It has become an organ of registration for the cabinet. The essence of law-making has passed from its hands over to the civil service; or, as one writer has put it, "the Mother of Parliaments has become the charwoman of Whitehall."

A critical situation demands heroic measures, and the policy of muddling through will not suffice to improve the governmental situation any more than it has sufficed to improve the economic situation. It is to be hoped that the Donoughmore committee, and any and all committees which may be set up to study the situation, will not only focus public attention on parliamentary difficulties, but also lead to improvements in what is clearly a bad situation.

JAMES K. POLLOCK.

University of Michigan.

Chambres de Commerce: Their Legal Status and Political Significance. The public character of the chambers of commerce in France and in Europe generally is a commonplace. Their intimate relationship with the government is taken as a matter of course. This very

¹⁴ *Parliamentary Debates, Lords*, Vol. 70, cols. 317-321 (March 1, 1928).

¹⁵ *Ibid.*, Vol. 70, col. 324.

complacency is significant acceptance of the close rapprochement of the political and economic hierarchies. These organizations of entrepreneurs in France function as the legally recognized representatives of definite interests. It is regarded as no novel idea that business men as such have public duties and governmental responsibilities that must be conducted in coöperation with the state. The *chambre de commerce* is the usual agency for carrying on these contacts; it is classified as a "*personne civile*" and an "*établissement public*."¹ It is provided for by statute, given specific powers, and entrusted with definite functions. It is representative of local business men holding a mandate from the Republic authorizing them to perform specified tasks of government and requiring them to offer advice upon commercial and industrial problems.

Regarded merely as agencies through which the government may secure a degree of perfunctory agreement from a selected number of employers and capitalists, the *chambres de commerce* would have little to offer. They are significant, rather, because of the fact that they provide a recognized means whereby discussion may be held upon questions by those who are directly affected by the outcome. Through such a consideration, the opportunity is offered to secure not only acquiescence but also understanding. The winning of consent is but one step in legislation. There must be sufficient prescience exerted at the same time to envisage the repercussions of the statute when in actual operation. Administrative considerations are thus part and parcel of the legislative process. Accordingly, for a law to prove successful it must be foreseen as falling within the context of experience of the individuals whom it affects. *Lex* is not a juristic *deus ex machina*. Rather, it must arise in intimate accord with a given environment. Coöperation rather than coercion must be depended upon if the public service functions of the state are to be conducted efficiently. Hence in administering laws of a technical nature dealing with complicated economic and social questions, something more than passive acceptance is demanded. An ascertainment of the effect of a law upon the class immediately affected is desirable, at least in terms of their attitude toward it. If their expert eyes can be utilized, so much the better. When particular issues fall within a given interest-sphere, the position taken by those dwelling within its scope will, in large measure, be determined by the fact that they view public questions from this zone. This al-

¹ Th. Ducoq, *Droit administratif, Personnes civiles autres que l'état* (1905), p. 567.

legiance affects the individual's response to outside stimuli. The group itself has force simply to the degree that the interrelations it engenders cause a reaction that could not occur should the individual members not be mutually participant. This mingling, moreover, brings into effective expression thoughts and feelings within the responding individuals that would otherwise remain inarticulate. Organization makes their enunciation possible, and some formal connection with the government assures a hearing. The status of the *chambres de commerce* provides a means whereby the business man as such may participate in government.

II

The statute of April 9, 1898, is regarded as the charter of the present chambers of commerce.² It defines their powers and delimits their authority, and upon it are based their powers. The statute provides that there shall be at least one chamber of commerce in each department to look after the commercial and industrial interests of this jurisdiction. The chambers are instituted by decrees, in the form of public administrative regulations, on the proposal of the Ministry of Commerce. The decree establishing the chamber indicates the number of members. There may not be fewer than nine nor more than twenty-one, except in Paris, where thirty-six are allowed. The members are elected for a six-year term, one-third being chosen every two years. They choose their own officers, though the prefect of the department, or the sub-prefect, according to the locality, may participate in the deliberations of the chamber in an advisory capacity. The members of the chamber serve gratuitously. The qualifications of those who may vote in electing members to the chambers are fixed by law. In general, it is stipulated that men and women may vote in these elections who have engaged in certain commercial undertakings for a definite period of time.

² A full collection of all the laws and ordinances on the subject is to be found in *Annuaire des chambres de commerce et chambres consultatives des arts et manufactures*, published by E. Baudelot, 41 Avenue Reille (xiv) Paris. The secondary reference material directly relating to chambers of commerce is scanty. The most satisfactory sources are the reports and proceedings of the chambers themselves. For a list of available reports, see A. Grandin, *Bibliographie générale des sciences juridiques, politiques, économiques et sociales*, Premier supplement (1926-1927), pp. 30-31. The following references are suggested: G. Guillaumot, *Les Chambres de Commerce avant et depuis la loi du 9 avril, 1898* (Berger-Levrault, Paris, 1898); M. Guiland et M. Hamet, *Les Chambres de Commerce, leur passé et leur avenir*, 1908; *Fédération des industriels et commerçants* (Larose et Tenin);

The powers of the chambers as given in the statute are briefly as follows: (1) to present their views as to means of promoting industrial and commercial prosperity; (2) to assure the execution of the public works and the administration of the services for which they are responsible; (3) to give the government advice and information, when requested, on industrial and commercial questions.

The advice of the chamber can be requested on a variety of commercial matters, as, for example, regulations relating to commercial usages, the creation of new commercial agencies, and questions with regard to taxation, or price scales for the hand-work of prison labor. Independently of the counsel that the government always has the right to ask of them, the chambers of commerce on their own initiative may offer advice upon (1) proposed changes in commercial and economic legislation; (2) tariff rates; (3) the rates and regulations of transportation services granted by the public authorities outside the extent of one chamber's jurisdiction but affecting its district; (4) the rates and regulations of establishments of a commercial nature functioning within the jurisdiction of the chamber by virtue of authorization of the administration.

The chambers communicate directly with the ministers, and they may inform the minister of commerce on all matters relating to the operation of the services with which they are entrusted. Each year they send in a complete report of their work. Certain financial rights are accorded them because of their "public service" aspect. Their expenses are met by means of a special license tax. When the chambers have contracted debts in carrying forward public works, particularly

L. Savare, *Des Chambres de Commerce* (Caen, 1904); G. Lechevalier, *Du rôle économique et financier des Chambres de Commerce dans les ports maritimes* (Paris, 1906); *Compte rendu des travaux de la Chambre de Commerce de Paris* (Librairies-Imprimeries réunies, Martinet, Directeur, rue Saint Benoît, 7, Paris); De Vidaillan, *Histoire des conseils du roi depuis l'origine de la Monarchie jusqu'à nos jours* (1856); Henri Rollet, *Les Chambres d'Agriculture* (1926); *Parlement et l'Opinion, Du rôle des Chambres de Commerce* (Mars, 1919); *Journal des Chambres de Commerce françaises et étrangères*, fondé en 1886; P. Messerschmitt, *Les Chambres de Commerce allemandes, leurs organisations, leurs interventions dans la vie économique* (Paris, 1926); L. Dessauer, *Die Neugestaltung des deutschen Handelskammerwesens* (Leipzig, 1917); F. Heber, *Die Handelskammern* (Stuttgart, 1906); Lusinsky *Handelskammergesetz* (Berlin, 1909); P. Zorn, *Die staatsrechtliche Stellung der Handelskammern* (München); Rudolf Beres, "The Organization of the Professional Chambers in Poland," *Rev. Polish Law and Economics* (1928), pp. 283-301.

in connection with the ports, the levying of a toll or tonnage tax is recognized by law as a proper means of their paying such expenses.

Chambers of commerce have extensive powers to establish various agencies of a commercial nature. They are authorized to found and to administer commercial establishments, such as general storehouses, public sales-rooms, warehouses, proving grounds for the army, bureaus of standards and of inspection, permanent expositions, commercial museums, commercial and professional schools, and courses of instruction upon commercial and industrial matters. The administration of establishments of these kinds that have been founded by private initiative may be turned over to the chambers of commerce with the consent of their underwriters or donors. This is likewise true of similar organizations instituted by the state, the department, or the commune. Regulations or schedules of rates made by the chambers with regard to these establishments are subject to official confirmation by law, by ministerial decree, or by approval of the prefect, as the case may demand. The chambers of commerce can be declared *concessionnaires* of public works, notably those which have to do with seaports or the navigable waterways of their district. The chambers of commerce can deliver certificates of origin for French merchandise destined for export abroad and cards of legitimization (identification cards) required of commercial travelers in foreign countries. Each year, the chambers of commerce are invited to present to the Ministry of Commerce proposals with a view to the designation of associates to the export commissioners on tariff matters.

Such are the chief provisions of the law outlining the statutory basis of the chambers of commerce.

III

The operations of the chambers of commerce are interesting from two points of view, namely, the national and the local. Their turning now toward the one and now toward the other gives these bodies a strategic position in administrative affairs. In the elaboration of laws relative to industry and commerce, the national authorities consult with the chambers of commerce. The fixing of tariff schedules, the formulation of labor legislation, the regulation of transportation rates provide frequent opportunities for the chambers to intervene efficaciously, or to offer advice. "Leurs avis ne sauraient être négligés sans péril," reports the secretary of the Paris chamber.

Fully as important as the mere passage of a law is the winning of

support and coöperation from those whom the law affects. The chambers stand ready to give their opinions as to the conditions under which proposed reforms in commercial affairs can best be secured. They are peculiarly well qualified to discuss the probable effect upon industry of projected legislation. Their province is by no means confined to legislative problems. The secretary of the Paris chamber reports that because of their special competence and practical experience the industrialists and business men belonging to chambers of commerce are frequently called upon by the ministries and the important governmental bureaus to serve upon the numerous official commissions organized for the consideration of current problems, both civil and military.³ In going through the annual reports of chambers in various parts of France, one encounters numerous instances of the coöperation of the local agencies with the central government and of the latter's frequent consultation with these business men's organizations.⁴ This, however, is but one aspect of the relationship; as contrasted with the participation in national problems, the chambers' concern in local governmental affairs is of greater significance.

Certainly, local questions seem to dominate over national problems. A very fundamental characteristic of these chambers of commerce is their provincialism, and attendant upon the merits that inhere in the resultant intimate knowledge of local conditions there is the accompanying fault of narrowness of interest. They are zealous in obtaining advantages for their region and in participating in any favors that other chambers succeed in obtaining from the central government. This trend toward localism is not, however, the pernicious tendency that it may at first appear. In France, the excessive centralization of power in the hands of the national government makes desirable these countervailing agencies whose chief concern is with local matters. In fact, when the law of 1898 was passed granting such a variety of powers to the chambers the fear was expressed that the economic federation thus created might conceivably in time endanger the authority of the central government.⁵ The supervisory power of the prefect has doubtless been an

³ *Annuaire des Chambres de Commerce*, pp. xvii-xviii.

⁴ The reports consulted were chiefly those of Paris, Amiens, d'Alger, Bordeaux, Mostaganem, Mazamet, Rouen, Nice, Du Mans, Roubaix, Nantes, Lyon, and Marseille.

⁵ Georges Guillaumot, *Les Chambres de Commerce avant et depuis la loi d'avril 1898* (1898); Joseph Ferrand, *Césarisme et Démocratie, l'incompatibilité entre notre régime administratif et notre régime politique* (1904).

important factor in guiding and limiting such a development. Still *les chambres de commerce* do serve as a counterpoise to the inflexibility of routine performance and the disregard of the public that not infrequently occurs in a strongly entrenched bureaucracy. Because of the hierarchical structure of the government and the degree of administrative centralization in France, an unorganized community is no match for the disciplined and ordered governmental authorities. The organizations of business men, however, seem sufficiently strong, as well as stable, to enable them successfully to check the civil servants where interference is deemed expedient. This is the more important when it is remembered that the government has the power to interfere in matters which are essentially local. It is a salutary thing, for example, to find M. le Préfet inviting the *Chambre de Commerce de Rouen*⁶ to give advice with regard to modifications of the specifications for the improvement of the tramways of that town. It is well to find the minister of commerce consulting with the union of maritime *chambres de commerce* upon a bill introduced in the Chamber of Deputies authorizing the creation of certain free zones at maritime and river ports. Nor does it seem amiss to find chambers taking united action in protesting against a pending administrative rule whereby the department of finance at Paris would exercise control over certain tolls which the chambers themselves previously had the right to administer. Local interests must be protected from undue interference by the central authorities.

Localities are even found importuning the national authorities to grant favors. To such an end, log-rolling apparently is resorted to at times. The following naïve recital, taken from the annual report of the chamber of commerce at Bordeaux, is illustrative.⁷ For a period of years the good citizens had been agitating for the improvement of Verdon in order that it might be used as a port of call. A bill providing for the necessary improvements met with opposition time and again. At last, however, the president of the chamber is able to report success, and to commend the devotion and prophetic vision of his colleagues. He continues in this revealing passage: "I must recall to your minds particularly the cordial cooperation that we were offered by our colleagues in the chamber of commerce of La Rochelle-

⁶ *Bulletin Bimestriel de la Chambre de Commerce de Rouen*, November-December, 1929, pp. 429 ff.

⁷ *Chambre de Commerce de Bordeaux, Rapport du Président sur les travaux de la Chambre*, p. 6.

Pallice and by the deputies of Gironde and of Charente-Inférieure whose concordant intervention secured the vote for the law concerning Verdon, unitedly with that relative to the improvement and extension of the port of La Pallice. Furthermore, we must not forget the support that the senators of Gironde gave us unanimously, and likewise the decisive intervention of M. Charles Chaumet, who, in their name, presented before the upper chamber the victorious defense of our bill, which was criticized with perhaps more passion and talent than convincing forcefulness." Whatever may have been the faults of the opposition, the fact remains that the two factions joined forces and each secured its desired bit of "political pork."

To an interest in local affairs must likewise be joined a deep concern with class welfare. Toward social and labor legislation, the organized business men evince very little sympathy. Many instances from the reports of the chambers could be cited in substantiation of this: The *Chambre de Commerce de Marseille*,⁸ for example, expresses opposition to a further liberalizing of the laws concerning industrial accidents and workmen's compensation. The chamber of Bordeaux⁹ takes an unfavorable attitude toward an eight-hour law, toward legislation protecting laborers injured while at work, and toward a proposed change in the rules with regard to healthy factory conditions. The *Chambre de Commerce d'Amiens*¹⁰ draws up resolutions against a law permitting workers of less than eighteen years of age to take time off during working hours in order to receive technical instruction in their trade. An examination of the reports of a large number of chambers gives one the impression that the chief concern is with the immediate interests of the employing class.

The proceedings of the *Assemblée des Présidents¹¹ des Chambres de Commerce* give the same impression. As the name implies, this is a national representative body of the leaders of the various chambers. A report of a recent meeting shows action taken upon a limited range of subjects, in every case closely allied to the immediate interests of the members. Retaliatory measures were urged against the high tariff of the United States; change in the taxation of coöperatives was de-

⁸ *Bulletin de la Chambre de Commerce de Marseille*, Apr., 1929, pp. 389 ff.

⁹ *Rapport sur les Travaux de la Chambre* (Années 1926-27), pp. 14-15.

¹⁰ *Bulletin Mensuel de la Chambre de Commerce d'Amiens*, Jan., 1929, p. 8.

¹¹ *Bulletin Bimestriel de la Chambre de Commerce de Rouen*, May-June, 1929, pp. 210-211.

manded on the ground that competitive business was being discriminated against; the increased tax on coal was protested; a slow and cautious policy toward social insurance was recommended. Hardly a body for forward-looking leadership! Yet it is significant as reflecting the opinion of organized business men. This is an aspect of the chamber's activities worthy of emphasis because of their part in legislation.

The chambers aid in building up systematically a volume of opinion behind a measure. A bill is considered with some care by the legislative committee. A report is made to the main body, voted upon, and frequently accepted unanimously or by a very large majority. Then this matter is passed along to another chamber of commerce, and the same procedure follows. The efficacy of this is cumulative, and perhaps persuasive: a measure received already bearing the endorsement of important chambers of commerce is not likely to be turned down without very good reason. Big cities influence their smaller neighbors. This is suggestive: "Les chambres de commerce de Libourne et Carcassonne ont fait connaître qu'elles avaient adopté le vœu de la chambre de commerce de Lyon."¹² Nor do chambers limit themselves to reporting to their confreres. They communicate with the prime minister, and with the minister of finance or of commerce and industry, or with "MM. les députés membres de la commission du commerce et de l'industrie." Projects go the rounds, and after being considered by one chamber after another, reports are made to the government. A consensus of opinion develops under the eyes of the government and under the surveillance of the parties that will be affected by the outcome of the matter at issue. The ministry turns to the chambers for advice, in order to sound them out. There is sometimes suggestion from the top down, the ministers presenting measures for consideration.

The efforts to organize industry do not cease with the chambers. There are the numerous private organizations of employers and of employees. There is also the National Economic Council,¹³ made up of representatives of various forces in commerce and in industry. Its purpose is to represent the general economic life of the nation. Official bodies with more specialized fields of jurisdiction are also found.¹⁴

¹² *Compte Rendu des Travaux de la Chambre de Commerce de Lyon* (1927), p. 353. Similar evidence is scattered throughout; see pp. 370, 378.

¹³ Edith Bramhall, "The National Economic Council in France," in this *Review*, August, 1926.

¹⁴ C. Paulte, *Chambres consultatives. Conseil supérieur du Commerce et de l'Industrie* (1886).

There are at present consultative chambers of arts and manufactures in twenty-eight departments; in some there are more than one, which brings the total number up to fifty-five. But it must be remembered that some of these organizations are entirely devoid of vitality; indeed, in many instances, they are defunct.¹⁵ A law passed in 1924 authorizes departmental chambers of agriculture and provides that regional chambers with purely consultative functions may be established.¹⁶ Under its terms, farmers have a right to undertake elaborate cooperative enterprises.

The existence of the *conseil supérieur du travail* must also be noted. It is composed of delegates from employers' associations and from labor unions, as well as certain governmental officials. It functions in a consultative capacity in conjunction with the ministries of labor and commerce. A great variety of advising committees and special consultative institutions are to be found in France.¹⁷

It is in connection with the administrative bureaus that these agencies are of most importance. It is the bureau that turns to the council or chamber for advice, whether upon a bill pending in the legislature, or whether with regard to contemplated executive action. And because of the relatively wide powers exercised by the executive, as contrasted with the legislative, side of the French government, it is essential to have agencies representing private interests that are officially instituted and that possess the right to be consulted. The chamber of commerce at Rouen¹⁸ writes a letter of protest to *M. le Chef d'Arrondissement des Chemins de Fer de l'État* urging that the railway office be conveniently located, and again a letter to the director-general of the railroads at Paris asking that their school children be not inconvenienced by an intended change in the train schedule. When it is possible for distant administrative authorities to interfere thus intimately in the life of a community, it is certainly essential that the community have at hand agencies through which to protest. This is the more or less nega-

¹⁵ H. Berthélemy, *Traité élémentaire de Droit Administratif* (Paris, 1926), p. 857.

¹⁶ Assemblée des Présidents des Chambres d'Agriculture de France. Séance des 19-20 Mars, 1929 (Grenoble, 1929).

¹⁷ See Charles W. Pipkin, *Social Politics and Modern Democracies* (N.Y., 1931), II, Chap. 3, for an excellent survey of such bodies.

¹⁸ *Bulletin Bimestriel de la Chambre de Commerce de Rouen*, Nov.-Dec., 1929, p. 463.

tive aspect of the problem, and is brought about by the peculiar degree of centralization in France.

On the positive side, the chambers are found submitting laws and suggesting executive actions. They furnish their members a forum for the effective discussion of questions concerning their group welfare, and incidentally that of a wider public. The chambers take the attitude that they are particularly well qualified to pass upon all legislation relating to commerce and industry, and especially to labor, tariffs, and transportation rates. They point out that so closely are their interests bound up with the national prosperity that all proposed economic legislation risks failure if the chambers are not consulted. They query: "Who are in a better position than the members of the chambers of commerce to point out the conditions under which improvements may best be made without adversely affecting important interests?" Recruited in large measure from the prosperous middle class, the chambers take the view that their welfare is bound up with the great economic interests of the country. They feel that they are well qualified to speak for industry and commerce.¹⁹

One hesitates to accept the chambers at their own evaluation of their significance as representative bodies. They do serve often as useful buffers between officials and citizens; they act as critics and advisers to administrative authorities and to the legislature. Georges Guillaumot writes: "Les chambres de commerce sont les conseillers ordinaires de gouvernement, et parfois le législateur lui-même ne dédaigne pas de faire appel à leurs lumières."²⁰ Moreover, the recognition of such chambers provides a means whereby the government may directly profit by the specialized knowledge of an important body of citizens. These agencies were, of course, not created with the avowed intention of bringing about a devolution of political authority or a surrender of functions into the hands of outsiders. The original intent was probably rather to utilize certain economic forces of the nation for the enhancement of political power. Yet today the chambers are useful for other purposes; and they may well become more so as the complexities of administration and the technicalities of legislation multiply.

E. PENDLETON HERRING.

Harvard University.

¹⁹ *Annuaire des Chambres de Commerce*, p. xix.

²⁰ *Op. cit.*, p. 6.

Reorganization of the Governmental Structure of Roumania.¹

The law for the reorganization of central administration and the law on local administration (July 20, 1929) sponsored by the National Peasant government of Roumania have recently been put into effect. Both measures were drafted by Professors Negulescu, of the University of Bucharest, and Alexianu, of the University of Cernăuți. Their adoption comprises one of the most thorough governmental reforms in the history of the Balkans.

The structure of the Roumanian government was, until very recently, almost completely copied from the French system. Roumania was a typical example of a unitary organization. The whole power of government was centralized in Bucharest. Practically all powers of local government were derived from the central authority, and were enlarged and contracted at the will of Bucharest. The whole system lent itself admirably to the domination of the National Liberal party, guided up to 1927 by Ion I. C. Brătianu, and after his death by his brother, Vintilă I. C. Brătianu, who died last year.

Since the strength of the National Peasant party, which assumed the reins in 1928, lies largely in the provinces acquired at the close of the World War, a decentralization of government was to be expected. The bitter resentment of Maniu and his associates toward the over-centralization which favored the policies of the Brătianus forced the recent overhauling of the governmental structure, tending toward federalism—a form which takes cognizance of the differences of the past and present between the old kingdom and the new provinces and attempts to extend democratic features of self-rule to the electorate. At the same time, it attempts to secure bureaucratic expertness.

The economic depression of Roumania undoubtedly was one of the factors which determined the ultimate reduction of the number of the ministries. The ministry of health was merged with the ministry of labor, that of public works with the ministry of communications, and the ministry of religion with that of education. The ministries for Transylvania, Bessarabia, and Bukovina were abolished.²

¹ The information presented in this article was secured by the writer during a recent visit to Roumania. Most of it was provided by Mr. Filotti, director of the press bureau of the Presidium of Ministries. Some details can be found in R. A. Egger, "Administrative Reorganization in Roumania," *National Municipal Review*, October, 1930, pp. 724-725, and D. Mitrany, "Democracy in the Villages," *Manchester Guardian*, November 28, 1929, p. 17.

² There are now ten ministries, viz., interior, foreign affairs, finance, justice,

A bureau of the budget, attached to the ministry of finance, was created. A presidency of the council of ministers was also added, charged with coördinating the activities of all ministries under the premier. The press bureau and bureau of information were transferred from the foreign ministry to the presidency, and its director became one of the most important functionaries of the cabinet. The powers and duties of the bureaus were defined more exactly and somewhat simplified, especially with a view to eliminating duplication of both functions and functionaries. Additional supervision was provided for the public functionaries with the formation of a permanent disciplinary commission, also attached to the presidency of the council.

For the realization of administrative decentralization, seven provincial directorates were created: (1) for Muntenia (old Wallachia) at Bucharest; (2) for Bukovina at Cernauti; (3) for Bessarabia at Chisinău; (4) for Transylvania at Cluj; (5) for Oltenia at Craiova; (6) for Moldavia at Iași; (7) for the Banat at Timișoara. Each of these is governed by a ministerial director, having the rank of under-secretary of state; and each comprises seven departments corresponding, in general, to the ministries of the interior, finance, education and cults, agriculture and domains, public works and communications, industry and commerce, and labor, health, and social welfare.

Even more drastic reforms were applied to the local administrative system. The smallest administrative unit recognized by law is the commune. The rural commune is considered as an association of villages; but each village has its own administrative machinery. Several communes form a district (county). There are urban communes (towns and municipalities) and rural communes—14,744 in all, of which 16 are municipalities, 154 urban communes, 116 suburban, 4,802 rural (having village councils), and 9,387 small administrative units. Municipalities do not form an integral part of the county in which they are situated, but are granted county status. The rural communes must have a minimum of 10,000 inhabitants.

The administration of a rural commune is carried on by the communal council. The mayor is chairman, and, together with a committee of this body, he forms the executive organ of the council. The mayor is elected; and the village mayors act automatically as his deputies in

education and cults, war, agriculture and domains, industry and commerce, public works, and labor, health, and social welfare.

all matters concerning their particular villages. The urban commune has as its deliberative body an urban council or a municipal council, and as its executive organs, a mayor, his deputy, and the committee of the communal council or the municipal council, the latter being formed of elected members and members by right. The mayor is chosen from the elected members, and by the whole council.

The administrative unit of the second degree is the county (department), composed of communes, but divided into several sectors. The municipalities do not form counties, but are considered as of the same administrative rank. The whole country is divided into 72 counties administered by county councils elected by universal and secret vote, i.e., the same manner as the communal councils. The executive body of the county council is a permanent committee composed of four of the councillors, the chairman of this committee being the county's administrative head. Several counties of the same directorate can unite in a voluntary association, with a council formed from the delegates of the associated counties and of the urban boroughs.

The chief point of interest is that the prefect has only the powers of general oversight and surveillance; although it is significant that the police power remains in his hands. The organ that exercises the administrative tutelage and control is the central committee of revision, which has power to revise and reform any abusive acts and illegalities of the local authorities in their entirety.

The elected delegation of the county councils and municipalities, together with the heads of local ministerial services connected with the directorates, forms an administrative council (the ministerial directorate) which coördinates the entire administrative activity of the territory. Here, therefore, the delegates of elected bodies, coming up from the villages, meet with the representatives of the central government. The attempt is to combine the virtues of bureaucratic administration with some responsibility to the popular will, based on consultation.

The reorganization has been opposed violently by the Liberals,³ who argued, especially, that it is unconstitutional, in view of the fact that the constitution of the kingdom proclaims the country "a national state, united and indivisible." Its success cannot as yet be appraised, partly because of recent cabinet changes; and the Liberals are sworn

³ The party committee, however, split on the question. I. G. Duca considered it a premature step to oppose the reform, and the absence of Argetoianu from the Senate when the declaration was read was significant. Averescu's followers ranged themselves with the opposition.

to abolish it upon their return to power. But the effort to reorganize the structure of the government in accordance with approved principles of administration is interesting to the student of comparative government—the more so because it has been made in a country where no tendency toward de-bureaucratization and devolution of the power of the central government has heretofore been manifest.

JOSEPH S. ROUCEK.

*Centenary Junior College,
Hackettstown, N.J.*

INTERNATIONAL AFFAIRS

National and International Control of Foreign Investments. In the course of the last eight years, economists and political scientists in the United States have become increasingly aware of problems created by government influence on private foreign investments. For an understanding of these problems, they have turned to an analysis of the experiences of England, France, and Germany before the World War and of the United States since.¹ But little attention has been given to the implications of control of foreign investments for international organization. It is the purpose of this paper (1) to summarize the nature of the control in each country; (2) to outline the theory underlying government control; (3) to point to the international effects of this control; and (4) to propose certain changes which are necessary to bring this aspect of state policy into line with recent developments of international organization.

In a sense, it is inaccurate to speak of government control in England, because the influence exerted by the government there was not in the nature of regulation. The relationship between government and bankers was one as different from legal control as is the theory of the common law from that of the civil law. That is to say, there was no statute on the basis of which the government influenced the outward flow of capital. Such relationship as there was, such similarity of policy as existed between finance and government, depended upon the existence of an accord which was the result of a common heritage and a common purpose. As Feis suggests,² the structure of British society was such as to bring into political office, and therefore into positions of control, men whose conceptions of world or empire policy were the same as those of the leaders of British finance. Their social, political, and economic outlook sprang from the same background. It was not in England, as it was in France, and during the early period in Germany, a question of government policy vs. private policy. The interests of these two groups were essentially the same. Questions of state and loan policy

¹ H. Feis, *Europe; the World's Banker, 1870-1914* (New Haven, 1930); J. Viner, "International Finance and Balance of Power Diplomacy, 1880-1914," *Southwestern Political and Social Science Quarterly*, IX, 1, and "Political Aspects of International Finance," *Journal of Business*, I, 141; B. Williams, "Capital Embargoes," *Political Science Quarterly*, June, 1928; W. H. C. Laves, "German Governmental Influence on Foreign Investments, 1871-1915," *ibid.*, Dec., 1928; and L. H. Jenks, *Migration of British Capital to 1875* (New York, 1927).

² Feis, *op. cit.*, p. 83 ff., from which this summary is largely taken.

were discussed at chance meetings by those directly affected. This does not mean, of course, that differences of opinion did not exist, nor that the government did not formerly provide means of influencing at certain times the direction of the flow of British capital. On the contrary, there were many instances in which government policy ran counter to the interests of specific bankers, and where, therefore, the strength of the respective groups was tested. And there were means, such as the changing of the discount rate or the favoring of certain securities by the Bank of England, or the Colonial Stocks Act, or inspired newspaper articles, through which the government could directly influence the flow of capital. But, surveying the history of English government policy in this respect, one must be impressed by the prevalence of coöperation rather than control.

As brought out in the most recent analysis of the French policy,³ the government in France, from the seventeenth century onwards, controlled all legitimate public trading in securities. Since the creation of a company of stock-brokers, the origin of the *Coulisse*, and the expansion of regular banking into the field of security trading, the government has continually asserted its prerogative of supervising all trade in foreign securities. And from the earliest days this control has been exercised by the minister of finance, more recently by this officer with the advice of the minister of foreign affairs. This has meant that in the historic policy of the French government was imbedded a belief in the legitimacy of government supervision, and it is therefore not surprising that, as the policies of state became more significant internationally, the political implications of foreign loans came more prominently into view, with the result that foreign loans became instruments of national policy.⁴ Under the terms of the acts and decrees, economic reasons could easily be used as the basis for political intervention; and the effects of this policy are now well known.

A similar survey of the German situation necessitates an appreciation of the nature of pre-war social and political forces in that country. Speaking in terms of these forces, German pre-war history must be divided into two periods. When Germany first emerged as a unified nation, the controlling government groups were the landed aristocracy and conservatives of the sympathies of Bismarck. But when Germany

³ Feis, *op. cit.*, p. 118.

⁴ "Above and beyond all other considerations which induced French official intervention with the movement of French capital abroad was the wish to make investments serve the political purposes of the state." Feis, *op. cit.*, p. 133.

began her overseas expansion in earnest, and when German capital became one of the compelling forces in international rivalry, the commercial, banking, and industrial interests began more effectually to influence state policy. This new group found sympathetic support in William II, and this second period thus emerges after his advent to the throne.

Due to the influence of the then dominant group, the early period is one in which overseas expansion, either through colonization or through foreign investing, was generally not favored. It was a period of *Kontinental-* rather than *Welt-Politik*, and one in which the need for the solidifying of the Reich structure loomed large in the minds of leaders. Success for the new nation, both internally and externally, depended upon the strength of Germany as against foreign powers. But to avoid undue friction with his neighbors, Bismarck held strictly to the principle that they should be given a free hand abroad, and that no German interests should cause international conflict.⁵ Many who supported the Iron Chancellor further opposed foreign expansion because it was feared that the outward flow of capital would adversely affect agricultural credits,⁶ and would involve increased expense, and hence higher taxes, to give the protection which would inevitably be demanded. Thus, during the early period the controlling party was insistent that finance should follow the national and international interests of the state. And for this reason control was exerted.

In the second period, two similar forces were at work in the opposite direction. With the advent of William II, Germany embarked upon a policy of political expansion,⁷ and any effort of private finance or enter-

⁵ See, for example, Bismarck's Reichstag speech of Dec. 5, 1876, in which he said of German interest in Near Eastern affairs: "I shall not recommend an active participation of Germany in Oriental affairs as long as I fail to see in the entire affair any German interest which is worth the bones of even a single Pomeranian grenadier." K. Helfferich, *Georg von Siemens* (Berlin, 1923), Vol. III, p. 16. As late as 1888, Bismarck wrote on a Foreign Office document: "In those matters it will be our problem to let the rivalries of France and England continue just as in Egypt. England's anti-French interests are beneficial to us." Helfferich, *op. cit.*, III, p. 28.

⁶ Cf. Kaiser Wilhelm II, *Ereignisse u. Gestalten 1878-1918* (Berlin, 1922), p. 45; Oscar Meyer, *Die Boerse* (Berlin, 1907), p. 3 ff; A. Nussbaum, *Kommentar zum Boersengesetz* (Muenchen, 1910), for the influence of the agrarians in drafting the stock exchange law; "Kapitalanlagen im Auslande und Agrarpolitik," *Deutsche Wirtschaftszeitung*, 1914.

⁷ Cf. Mary E. Townsend, *The Rise and Fall of Germany's Colonial Empire, 1884-1918* (New York, 1930), Chap. 7.

prise to further this movement was gladly supported. At the same time, German industry was developing by leaps and bounds, and the inevitable growth in power of industry and finance was making itself felt in government circles.⁸ Gradually, men of commerce became the invited guests of the Court, where in an earlier day a legal bureaucracy had held sway. State policy and private plans thus tended to follow a common path. Control gradually gave way to informal advice, as each group became more dependent upon the other.

Any division of history into rigid periods is dangerous, but these broad lines seem apparent. There were instances of coöperation in the earlier period, as there were many instances which showed a total absence of coöperation in the later. Especially is it true that there were years of strife and ill feeling between William II and the leaders of finance where the *quid pro quo* which makes coöperation possible was not evident to either party.⁹ In these instances the government attempted to enforce its will through its control of the Reichsbank, indirectly through the stock exchanges and through diplomatic pressure or through newspaper articles,¹⁰ and the banks had always the possibility of investing through exchanges in foreign countries.¹¹ But in spite of these exceptions, in both periods the general transition from control to coöperation is clear.

The policy of the United States toward foreign investments can be reviewed briefly.¹² During the period preceding the World War, the government suggested on several occasions that there were circumstances under which it would assume a right to pass on the wisdom of loans. Shortly after the war, when the United States emerged as the largest creditor of the world, the Department of State published an announcement of general policy. While not demanding that all proposed foreign loans be submitted for approval to the government, it nevertheless suggested the advisability of the maintenance of contact between bankers and the Department of State. It is well to emphasize here that, whatever the extent of control, it is definitely on an informal basis, and is similar to that existing in England prior to the war.

⁸ K. Helfferich, *op. cit.*, III, 224 ff; B. Huldermann, *Albert Ballin* (Berlin, 1922), p. 280 ff.

⁹ W. H. C. Laves, *op. cit.*, pp. 506, 508. See also the pressure brought to bear upon the Deutsche Bank in the Bagdad Railway negotiations. Helfferich, *op. cit.*, 58-62 and 78-84.

¹⁰ W. H. C. Laves, *op. cit.*, p. 502 ff.

¹¹ *Ibid.*, p. 508.

¹² Summarized from current newspapers and from E. Williams, *op. cit.*

In all four countries whose control has been reviewed, there developed a marked tendency for high finance and foreign policy to pursue the same international ends.¹² What is most significant for our study, however, is that this unity of purpose was born of a realization that mutual aid was not only advisable but necessary. Either because of an original similarity of outlook, as in England, or because of a gradual growth of this similarity as the result of practical experience, as in other countries, these two major forces of international politics learned that mutual aid and coöperation were the only means in present-day political organization through which each could attain the desired ends. Further, each became aware that it was dependent upon the help of the other. As governments at times needed the pressure of finance to assure the success of a diplomatic policy, so finance in numerous cases needed diplomatic intervention to secure concessions or to protect investments.

We have summarized the nature of the control exerted and of the situation which made it possible and necessary. We may next briefly inquire into the theory which made this control appear a legitimate function of the government. As has already been suggested, government influence on foreign investments has taken two general forms: government efforts to make loans conform to national policy, and diplomatic assistance to investors in gaining a foothold abroad or in protecting investments already established. Both forms derive from a nationalistic conception of government function. The effort to impose an obligation upon investors would seem to be based on a belief that the community of interest within a national state is so great that each member of a state must conform to the interest of all. That, of course, is the basis of the sanctions behind all law. It is true that any effort in the United States to control foreign investments by statute would meet with violent opposition. But it is believed that the difficulty of enforcement and the question of policy, rather than the legitimacy of such legal control, is the chief obstacle to the enactment of such a statute. The attainment of the same end through extra-legal means in England, Germany, and the United States is simply an illustration of the fact that not alone through coercion but also through coöperation can state policy be carried out.

The obligation, in turn, which rests upon the state to aid the investor rests upon a similar belief in national unity. It has been bril-

¹² See especially J. Viner, "International Finance and Balance of Power Diplomacy," *loc. cit.*

liantly analyzed on the basis of European imperialism in Africa by Leonard S. Woolf. He states it thus: "That the true sphere of policy is to use the power and organization of the state upon the world outside the state for the economic ends of the world within the state."¹⁴ While the economic aspects have been emphasized by Woolf in his study, it is apparent that the same general concept has been incorporated in the laws of many states and in international law¹⁵ governing the protection of citizens abroad. It is the basis, e.g., of the policy of Great Britain¹⁶ and the United States,¹⁷ and is incorporated in the German constitution of 1913.¹⁸ Both forms of government influence on foreign investments thus appear to derive from a philosophy which is nationalistic, and which sees the state as the highest unit of political organization.

What have been the international effects of this purely national policy? It is not within the scope of this paper to attempt a comprehensive analysis of all of them; but attention may be called to three: the effect upon relations between major powers, between major and minor powers, and upon naval armament propaganda.

In making investments conform to state policy, the primary effect has been to intensify to a very marked degree the feeling of rivalry and ill will between the major powers. For such capital as a nation had within its borders was looked upon as a purely national asset. Thus a portion of the world's economic resources was made to conform to diplomatic plans, and was not always permitted to flow where it most naturally would have gone. The situation has a direct parallel in the efforts of nations to exercise exclusive control over natural resources in order to bring about national self-sufficiency. The effects upon international relations and friendships in this case are patent. Control of large portions of desired capital has inflated the sense of national power in the creditor nations, while it has caused ill feeling on the part of the

¹⁴ *Empire and Commerce in Africa* (London, no date), p. 16.

¹⁵ "The state has, however, in international law, a right as against other states to protect its citizens abroad." E. M. Borchard, *The Diplomatic Protection of Citizens Abroad* (New York, 1916), p. 29.

¹⁶ Cf. Sir Edward Grey in House of Commons, July 10, 1914 (cited by Feis, *op. cit.*, p. 97.)

¹⁷ Slaughter House Cases, 16 Wall. 36, 79, 80, cited in Moore, *Digest of International Law*, Vol. VI, p. 248.

¹⁸ "Dem Ausland gegenüber haben alle Reichsangehörigen innerund ausserhalb des Reichsgebietes Anspruch auf den Schutz des Reiches." Art. 112, Par. 2. Quoted in G. Lippert, *Handbuch des Internationalen Finanzrechts* (Vienna, 1928), p. 124.

debtors. And this, in turn, has been reflected in international alliances which themselves are evidences of fear and unrest. The classic example of the effect of national control of capital on such alliances is the shift from Russo-German and Italo-French to Franco-Russian and Italo-German friendships in the latter part of the nineteenth century.¹⁹ It is not here contended that the control of finance alone caused these realignments, but merely that it served to intensify them. The situation is again similar to those created by efforts to establish national monopolies of raw materials or to maintain "closed doors" in colonial and backward areas.

With regard to government aid to investors, a few of the results may also be suggested. Through the interference of governments in the competition of private investors, either to secure concessions or to protect those already possessed, disputes between citizens of different nations have become public disputes between major powers. The effects of this are only too well known in pre-war Turkey, China, Persia, and Morocco. For those familiar with the tangles of pre-war diplomacy, the mere mention of these areas of conflict will recall to mind their direct bearing upon the origins of the World War.

Under the influence of this policy, too, the relations of major powers with minor debtor countries have become strained. The latter have come to consider any intervention by the government of a private creditor as an effort to effect control, i.e., as an indication of imperialistic intent. For the alleged right of the citizen to the support of his government has led to indiscriminate intervention. The history of the United States in the Caribbean is here pertinent. The practically assured government aid in case of default has, in turn, made creditors less careful in analyzing the capacity for repayment on the part of potential debtors. And under the influence of high pressure salesmanship, backward countries have been encouraged to over-borrow, with the almost inevitable result of political upheaval and intervention.²⁰

Finally, the history of some of the major powers seems to illustrate that the policy of aiding investors abroad has formed a phase of a very dangerous type of "big navy" propaganda. Proponents of larger navies have tried to enlarge appropriations for this type of defense on the reasoning that far-flung economic empires necessitate the extension

¹⁹ W. H. C. Laves, *op. cit.*, p. 501, and Feis, *op. cit.*, Chaps. 9 and 10.

²⁰ See the series of articles by Lawrence Dennis in *The New Republic*, beginning with the issue of Nov. 19, 1930.

of the protective arm of the government because every citizen is entitled to full protection abroad. But meantime they have encouraged investors to go abroad on the ground that, because of the navy, they would be as safe there as at home. This is well brought out in a recent publication of the Office of Naval Intelligence of the U. S. Navy;²¹ and equally revealing propaganda may be found in two publications of the German ministry of marine before the World War.²²

The past and present policy of control over foreign investments has been based on a purely national concept, both of the function of the state and of the nature of capital. Its effect has been to reinforce the national state as an end in itself, even at the expense of intensifying international ill-will. This, in the light of modern history, has meant that national control over capital has been one of the underlying causes of war. It has meant that the rivalry and ill-feeling caused by it have been among the factors necessitating the establishment of means for the adjustment of international disputes. In accordance with the modern efforts to prevent wars by removing their causes, as well as by establishing means of adjusting disputes, this purely national control must give way to some form of international control. It appears incongruous that in a world which has experienced the ruining of lives, property, and institutions in the recent World War, which is coming to recognize colonial empires and backward areas abundant in natural resources as trusts of mankind under the mandate system, which has created a League of Nations for the adjustment and a World Court for the adjudication of disputes, and which becomes increasingly aware of the economic and political interdependence of its members—it is incongruous that such a world should consider capital as a purely national asset and an instrument of national aggrandizement.

The present situation is likely to continue so long as no other means is available for securing the ends desired by the individual investor and his national government, respectively. So long as the individual investor must depend upon his national government to secure his investment by diplomatic support, so long as each national government is compelled, by the force of financial rivalry of other powers, to re-

²¹ "The United States Navy as an Industrial Asset," published by the Office of Naval Intelligence (Washington, 1924).

²² Reichs Marine Amt, "Die deutschen Kapitalanlagen in ueberseeischen Laendern" (Berlin, 1900); "Entwicklung der deutschen Ueberseeinteressen in letzten Jahrzehnt" (Berlin, 1905).

gard the investments of its citizens as necessary diplomatic weapons, just so long must the present system continue. On the other hand, it is reasonable to expect that as soon as some form of international organization can guarantee to the individual citizen the security of his investment and the elimination of capital as an instrument of diplomatic pressure, the investor will be willing to forego the right to diplomatic protection, and the national government will be willing to relinquish its hold on the export of capital. Once established upon this basis, such an international financial organization would be in a position adequately to care for the interests of the debtor nation and the world order as a whole, just as the mandate system today attempts to look after the welfare of native populations and international well-being.

Specific proposals are beyond the scope of this discussion. But the experience of the world in reconstructing the post-war finances of Austria and Hungary, and in establishing the Bank of International Settlements, might suggest methods for the creation of a necessary institution. In the course of the last few months, repeated rumors have been heard as to plans for new international banks. Mr. Montagu Norman, of the Bank of England, suggested toward the end of April that a new international bank might do much toward equalizing the supply of free capital in the world. More recently, a committee of the Bank of International Settlements has proposed the expansion of this institution's activities to facilitate the mobilization of long-term credits. In none of the recent proposals has there been mention of granting the banks such political powers as has been here suggested. But if one of these banks were to be established, it would aid in creating a more centralized system of control in international finance, and a great step would have been taken toward bringing order out of a perplexing and chaotic situation.

It is obvious that the power vested in such an institution would need to be carefully circumscribed. For control over the capital of the world would be tantamount to control over the economic life of the world. However, such institutions of control evolve in the course of their history; and it appears that even though there would be reluctance to permit such supervision with respect to loans to major powers, the time has arrived for some international supervision of loans to smaller powers. At the present juncture, such supervision might advantageously include the establishment of an international board to examine both the purpose and the terms of loans in order to prevent excessive

and unproductive financing, as well as to act as a receiver to devise practical and just remedies in the event of default.

WALTER H. C. LAVES.

Hamilton College.

The Concept of "International Government." There was recently published in the pages of this *Review* an article from the pen of Professor William E. Rappard, entitled "The Beginnings of International Government,"¹ in which the author took issue with the use of that phrase and challenged the validity of the concept to which it refers. He took as his text, more or less, a volume published in the United States some years back which employed the contested phrase in its title. And he concluded that the term is a misnomer, and that the phenomenon referred to does not—in the possible alternative sense of supernational government—exist today to any appreciable extent.

There has subsequently appeared another volume carrying the neat title "International Government;" and another volume with somewhat the same designation is promised shortly. Some ten years ago, the writer of the present comment, in composing a similar work, was compelled to face the problems of theory and of verbal expression here involved, and decided in favor of "International Organization." To that he has adhered in subsequent editions, with ample reference to the functional side of international government ("procedure," "coöperation"), but, as originally, for reasons not involving a denial of the validity of the contested concept. He would like to discuss briefly the criticism of the idea of "international government" offered in his accustomed brilliant and trenchant style by Professor Rappard.

The main difficulty lies not so much in accepting the definition of government adopted by Professor Rappard (orderly exercise of authority); but that is the first point at which the writer would take issue. It seems to him clear that *exercise of control* by one person or group of persons over another is the essence of government, whether or not that control be exercised according to any system of law, or even any system of order. One need cite in support only such elementary considerations as the facts that (1) in any system of civilized constitutional government there are infinite elements of confusion and contradiction in fact, and (2) if it is only a *purpose* of order or system that is demanded, the dictator has at least his own plan of personal

¹ November, 1930, p. 1001.

benefit, and may even have in mind a plan of public welfare. But accepting this less exacting definition would not make it much easier to discover international government unless the domination exercised by the great powers, singly or collectively, over weaker powers, is regarded in that light (the writer should so regard it, but it is too rare or vague to serve as a very important example); hence it does not seem necessary to pause longer on this point.

It is with the analysis of international government in paragraph 2 on page 1002 in Professor Rappard's article, and the failure to consider another possible concept of international government, that the writer wishes respectfully to disagree. Given the analysis of the idea in that paragraph (government by two or more nations or government of two or more nations), then much of what follows is obviously sound, except that (1) the two cases (government *of* or government *by* two or more nations) are not necessarily distinct (2) government *of* and *by* two or more nations is not (it seems) as rare as is suggested, and (3) the summary exclusion of interstate federations from all consideration (top of page 1003, end of first complete paragraph) seems a bit hasty, especially such pluri-national unions as Switzerland and the British Empire (one might also recall Dr. James Brown Scott's *The United States of America; A Study in International Organization*).

It seems that the phrase "international government" is, for various reasons, definitely preferable to "world government." "World government" would logically mean government of the world of humanity as a unit, or at least government of the world of nations and their peoples as a unit. That is conceivable, and even imminent, to a certain degree; indeed it is an actual fact in certain very limited items, as will appear shortly. But it seems to be a too pretentious term as yet. Just as the term "international government" seemed, twelve years ago, if not still today, to constitute a quantitative exaggeration, so the phrase "world government" seems today to constitute an exaggeration, not because that sort of thing is not possible, or does not exist in some instances or some degree, but because it is so rare.

It seems clear, to be precise, that "international government" must refer in essence to the exercise of control across national boundaries, territorial or juridical. Where one nation exercises authority over another nation, or over the nationals of the second nation, or where a nation exercises authority over its own nationals within what is normally the field of authority of another nation, we have international exercise of authority, i.e., international government. And of course

there may be two or more nations or nationals involved in any such case.

We may leave out of account the exercise of authority by one nation over its nationals within the jurisdiction of another, which is a commonplace and may not seem properly to constitute international government. Do we have any cases of exercise of authority by one nation over a second nation or its nationals? Plenty of them. Whenever two or more nations by agreement establish requirements which from that time on are to bind them or their nationals, we have one nation exercising such authority toward the second. Is this to be denied? Suppose one nation adopted those requirements for itself; it could at any time abandon them. But when they are adopted by international action, they cannot, in general, be abandoned except by the same type of action. Evidently the participation of the second state, by agreement with the first, constitutes an added element of binding authority which distinguishes international government from national self-government. State A submits to the authority of State B in exchange for B submitting to A. Even if we hold that it is a case of A doing something itself, or to itself, in exchange for B doing something itself, or to itself, we find that both are, from the moment of setting up the arrangement, compelled to do those things by the action of the other and the juristic authority which that action exercises.

Where the above action takes the form of a bilateral agreement merely, with application or administration left to the individual nations, this theoretical analysis does not, perhaps, seem to mean very much, from a practical point of view. But where forty nations agree to some requirement, and entrust application of the agreement to an administrative organ, it seems that the manifestation of international government is clear and impressive. And we have many such cases, of course, including activities within the League in numerous items. Where we have agreement among all the nations of the world, binding themselves and controlling themselves in some matter, we already have, it might be supposed, world government.

Surely the statements contained in the fourth complete paragraph on page 1003 are somewhat exaggerated. Even if the politicians, journalists, and professors were to deny that their country was governed by any other nation or nations, we should certainly be compelled, in view of the analysis given above, to dismiss such denials as ill-informed or deliberate rhetorical misrepresentation designed to fool the people—and their own selves to some extent. But in point of fact, the ad-

mission, if "admission" it is, that the nation is bound—the term "governed" is actually often used—by a treaty or an international arrangement, legal and administrative, is frequently made today in parliamentary debate and public speech. Of course the idea of being "governed," or "bound," by a treaty is a euphemism or an ellipsis; documents do not possess or exercise any juristic authority, and it is the parties thereto, or their joint actions, which bind, control, or govern one another. It seems beyond dispute that the nations members of the League are mutually governed by one another—governors and governed, governing and being governed by one another—in their actions in the League wherever binding arrangements are set up and applied. And it seems that they have clearly and expressly recognized this many times in the past decade.

This would mean that the real problem is a quantitative one. We have, and it is widely admitted that we have, international government as such. But how much of it? Plenty to prove its existence, but, in contrast to the total possible field, relatively little. That is, the number of items with regard to which this process has been set up is relatively small. But it is growing, and the question which is raised in the first complete paragraph of page 1004 is raised, or will be raised, with the quantitative increase of international government. The principle of national sovereignty is not violated by the establishment of international government as such, provided that step is taken by voluntary agreement; and all the thousands of treaties concluded in modern times are regarded as leaving sovereignty untouched. But if a nation should sign away too many items of governmental authority it would cease to be a nation, and would place itself in such a position that other nations would refuse to continue to recognize it as such, which, it would seem, is the practical, and even the theoretically sound, test to apply. New York is in that position, but for quantitative, not qualitative, reasons, so to speak. And if all the nations signed away to one another, i.e., to a federal administration, most of their powers of government, let us say, then they would, in their own eyes and in one another's opinion, cease to be nations, not as a result of any violation of their sovereignty but by its voluntary surrender. Until such a point is reached, when world government would truly come to exist, such exercise of authority as we have across national lines—and there is a great deal of it already—is international government.

To sum up: international government consists in the control of one nation or its nationals by another, arbitrarily or in accordance with law

binding upon, because accepted by, both; this is possible in spite of the doctrine of national sovereignty, because that doctrine permits original agreements between and among nations which will thereafter constitute governing controls over the participants, whether administered by the individual nations themselves and their agents or (less frequently) by agents acting on joint mandate of the nations. Of this sort of international government, we have many examples today, although the possible range of international government is very incompletely covered—for reasons very realistically brought out by Professor Rap-pard.

PITMAN B. POTTER.

University of Wisconsin.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The twenty-seventh annual meeting of the American Political Science Association will be held at Washington, D.C., December 28-30. Other organizations meeting at the same time and place include the American Economic Association, the American Sociological Society, the American Statistical Association, and the American Association for Labor Legislation. The headquarters of the American Political Science Association will be at the Mayflower Hotel. The program, as thus far arranged, is outlined by the chairman of the program committee, Professor John M. Gaus, of the University of Wisconsin, as follows: Round table meetings will be held on Monday and Tuesday mornings, December 28 and 29, at 10 A.M. Wednesday morning will be kept open for a third meeting of the round tables, or of special groups drawn from their membership, if the chairmen and members desire to hold further meetings. The round tables and their chairmen include: (1) International Relations, Charles P. Howland; (2) Local Government, Ernest Griffith; (3) Judicial Administration, Raymond Moley; (4) Political Parties, Louise Overacker; (5) Government and Education, Earl Cresscraft; and (6) Comparative Central Government, Frederick F. Blachly. There will be section meetings on Monday and Wednesday afternoons. The sections, with their chairmen, are as follows: On Monday afternoon at 3:00, Legislation, John A. Lapp; Public Opinion, William Casey; Political Theory, Robert T. Crane; Teaching the General Course in Political Science, Harold R. Bruce; and on Wednesday afternoon at 2:30, Public Administration, Edwin A. Cottrell; and Public Law, Charles G. Haines. A joint meeting with the American Economic Association on the topic of American investments and policy in the Caribbean is being arranged for Tuesday afternoon. It is possible that one or two of the section meetings will be joint meetings with other associations. A new feature is a luncheon Monday noon at which there will be a discussion of contemporary political developments in a region of the United States. The region selected is the South; and Professor R. K. Gooch, of the University of Virginia, is in charge of preparations. On Tuesday, December 29, there will be a luncheon meeting at which probably certain committee reports will be presented. The annual business meeting will be held at 4:30 on the same day, and the presidential address will be presented that evening.

Professor Robert T. Crane, of the University of Michigan, has been granted an extended leave of absence in order to accept the permanent secretaryship of the Social Science Research Council, in succession to Mr. Robert S. Lynd.

Professor Charles E. Merriam, of the University of Chicago, has been made a member of the executive committee of Mayor Cermak's advisory committee, a group which will act as a general planning agency in the reorganization of Chicago city government.

Professor Leonard D. White, of the University of Chicago, has been appointed to membership in the Chicago civil service commission. He will continue his work at the University, but will sever various other connections.

Dr. Tyler Dennett, historical adviser to the Department of State and former editor and chief of its division of publications, will go to Princeton University as professor of international relations in the School of Public and International Affairs. The appointment is effective in February, 1932.

Dr. Harwood L. Childs, professor of political science at Bucknell University, has been appointed associate professor of politics at Princeton University. Dr. Childs will give instruction in political psychology and public opinion. He will go to Princeton in the fall of 1932, after spending the coming academic year in a study of public opinion and unofficial agencies of government in Germany.

Professor John A. Fairlie, of the University of Illinois, returned to the United States in early summer from a trip around the world. The committee on county government which the National Municipal League recently appointed will carry on its work under Professor Fairlie's chairmanship.

Dr. Shelby M. Harrison, director of the department of surveys and exhibits and vice general director, will, on September 1, succeed Dr. John M. Glenn as general director of the Russell Sage Foundation.

Dr. Russell M. Story, of Pomona College, sailed for the Philippines and China in June, and will remain in the Far East until September, 1932, as visiting professor of California College in China on the Seeley

G. Mudd fellowship. He has also been appointed visiting professor at Yenching University.

Professor Clarence A. Berdahl sailed for Europe in June and will be on leave of absence from the University of Illinois during the coming academic year. While in Geneva, he will give a number of lectures at the Institute for Higher International Studies.

Professor Harold S. Quigley, of the University of Minnesota, gave a course in the first term of the summer session at Ohio State University on international organization, and another on contemporary Japan.

Professor W. W. Willoughby, of the Johns Hopkins University, served as adviser to the Chinese delegation to the conference on the opium traffic which was held in Geneva in June under the auspices of the League of Nations.

Professors Jerome G. Kerwin, Harry Gideonse, and Louis Wirth constitute a committee to prepare the general introductory social science course at the University of Chicago in connection with the new plan of college education.

Mr. Frederic W. Ganzert, formerly teaching fellow at the University of California, will conduct Professor Francis G. Wilson's courses on political theory at the University of Washington during the coming academic year. Dr. Ganzert has recently been in Brazil on a Carnegie fellowship.

Mr. Robert T. Pollard, recently a fellow in political science at the University of Minnesota, has accepted an assistant professorship in the department of oriental history, literature, and languages at the University of Washington. His field will be that of Far Eastern history, government, and politics.

Professor James Hart, of Johns Hopkins University, gave courses in the recent summer session of Columbia University.

Dr. William C. Casey has resigned at the University of Chicago in order to accept a professorship of political science at Columbia University.

Professor Harold H. Sprout, of Stanford University, has been appointed to a position in the department of politics at Princeton University for the coming year.

Professor Harold R. Enslow, of Union College, has been appointed a New York State Tax Commission fellow, and is making a study of the relations of federal and state income taxes.

Dr. H. Arthur Steiner, of the University of Michigan, has accepted an instructorship in political science at the University of California at Los Angeles.

Dr. Charles C. Rohlfs, instructor in political science at the University of Pennsylvania, has been advanced to an assistant professorship. His doctoral dissertation, *A National Policy for the Regulation of Aviation*, is now in press.

Professor Rodney L. Mott, of the University of Chicago, taught during the summer quarter in the American University Graduate School, Washington, D.C. He gave courses on due process of law and contemporary British politics.

Dr. Howard B. Calderwood and Mr. Lawrence Preuss, instructors at the University of Michigan, will resume their work in the fall after a year abroad as research fellows.

Professor William M. McGovern, of Northwestern University, has been granted a semester's leave of absence to make a study of Ural-Altaic peoples in Hungary, the Balkans, Asia Minor, and Persia.

Dr. Rudolf A. Cleman, formerly of Northwestern University and at present director of scientific publications of the Century of Progress, Chicago International Exposition, 1933, has been appointed associate chief of the Social Science Division for the planning and preparation of exhibits in this field.

Miss Flora May Fearing, research associate in political science at Northwestern University, is offering a course at Stanford University during the second half of the summer quarter on quantitative methods in politics and administration.

Mr. Kenneth P. Vinsel, who received his doctorate at the State University of Iowa in June, has been appointed associate professor of political science at the University of Louisville.

Mr. S. C. E. Powers, candidate for the doctor's degree at the State University of Iowa in August, will go to the Henderson State Teachers College, Arkadelphia, Arkansas, as head of the department of government and sociology.

Dr. James Q. Dealey, Jr., of Western Reserve University, has accepted a position at Hamilton College vacated by Mr. George L. Ridgeway, who will spend the coming year at Oxford as a Carnegie fellow in international law.

Mr. Francis E. Ballard, who received his doctorate at the State University of Iowa, has been appointed instructor in political science at Princeton University.

Messrs. Earl E. Warner and W. R. Maddox, instructors in political science at the University of Michigan, have accepted positions at the James Millikin University and the University of Kansas, respectively.

Miss Betty Bouer, of Vassar College, has been appointed Ueland fellow in government and citizenship at the University of Minnesota for the coming year.

The Carnegie Endowment for International Peace has announced the appointment of Mr. Henry Kittredge Norton to make a study of political and economic developments in South American countries. Professor David P. Barrows, of the University of California, is one of the newly elected trustees of the Endowment.

Among the ten members of a prohibition advisory research council, the appointment of which was announced in May by the federal prohibition director, are Professors William S. Carpenter, of Princeton University, Charles W. Pipkin, of Louisiana State University, and Samuel C. May, of the University of California. The inquiries planned are to be carried on mainly by graduate students under the direction of members of the council.

A graduate school of international affairs is to be established at Columbia University under terms of the will of the late Edwin B. Parker,

of Washington, D.C. The endowment provided for the undertaking will eventually amount to about two million dollars. Of this sum, approximately half will be available at once.

At the fourteenth annual American Country Life Conference, to be held at Cornell University on August 17-20, a forum on county organization and management will be led by Dean Robert H. Tucker, of Washington and Lee University, chairman of the Virginia Commission on County Government, and another on village and township government by Professor E. C. Branson, of the University of North Carolina.

Political scientists who would be interested in participating in the Third International Congress of Eugenics, or who would care to receive announcements concerning it, are invited to correspond with the secretary, Mr. H. H. Laughlin, Cold Spring Harbor, Long Island, New York.

The second Earlham Institute of Polity was held at Earlham College, Richmond, Indiana, on May 14-16. As last year, the sessions were devoted to discussion of the relations of the United States with Latin America and the Orient. Principal speakers included Mr. Chester D. Pugsley, Dr. James Brown Scott, Major General Edward A. Kreger, and Messrs. Charles S. Smith, chief of the foreign service of the Associated Press, and Gilbert Bowles, a missionary of the Society of Friends.

One of the three major divisions of the program of the second quadrennial Institute on Human Relations, held at the University of North Carolina on May 3-9, was concerned with international relations and government. As Weil lecturer for 1931, Professor Harold J. Laski delivered addresses on "The Crisis in the Modern State," "The Place of Administration in the Modern State," and "The Expert in Democracy." Professor James T. Shotwell also spoke on "The New Era in International Relations."

While retaining its independent corporate existence, the National Institute of Public Administration has been affiliated with Columbia University, and Dr. Luther H. Gulick, director, has been appointed Eaton professor of municipal science and administration in that institution. The Institute has recently received an endowment of

\$1,500,000, and will also have an annual budget allowance from Columbia. It is expected that the Training School for Public Service, established in 1911 and affiliated with the Institute, will be developed considerably.

The third annual meeting of the Iowa Political Science Association was held at the Iowa State Teachers College, Cedar Falls, on May 1-2. There were round tables on state legislatures and legislative methods, administrative areas, and the teaching of the introductory course in political science. Professor Thomas H. Reed, of the University of Michigan, discussed with the Association various means of coöperation between the American Political Science Association and sectional and state organizations. The officers of the Association are: president, Geddes W. Rutherford; vice-president, C. F. Littell; secretary-treasurer, H. C. Cook.

The Eighth Institute under the Norman Wait Harris Memorial Foundation was held at the University of Chicago from June 22 to July 3. The topic was Unemployment as a World Problem, and the visiting lecturers included John Maynard Keynes, of Cambridge, England, and Karl Pribram, of the University of Frankfurt, Germany. The round table meetings were attended by twenty-five experts on the subject from all parts of the United States. As usual, the public lectures will be published by the University of Chicago Press.

The executive committee of the National Municipal League has voted to reconstitute the committee on county government which drafted the Model County Manager Law in 1930. The new committee will be expected to study county government in its general relations to state and municipal governments. The executive committee has authorized appointment of new committees on the selection of judges, developments in municipal home rule, city government in relation to housing, and the preparation of a model corrupt practices law.

A conference on "pressure groups and propaganda" was held May 2-3 at the University of Chicago. The conference was authorized by the Social Science Research Council, and was organized under the direction of a local committee consisting of Professors Charles E. Merriam, Harold F. Gosnell, and Harold D. Lasswell. The purpose was to consider the present status of research in the field and to indicate fruitful lines of development. Among those present from outside Chicago were

Professors E. Pendleton Herring, Harvard University, Herman C. Beyle, Syracuse University, Ralph D. Casey, University of Minnesota, Harwood L. Childs, Bucknell University, A. Gordon Dewey, Union College, George A. Lundberg, University of Pittsburgh, W. Brooke Graves, Temple University, Peter H. Odegard, Ohio State University, and Kimball Young, University of Wisconsin.

At the desire of the executive committee of the International Conference of Institutions for the Scientific Study of International Relations, Professor Alfred Zimmern, director of the Geneva School of International Studies, has offered a room in the Conservatoire de Musique where, it is thought, gatherings might be held during at any rate the opening week of the Assembly, the first two to take place at 8:30 p.m. on Tuesday and Thursday, September 8 and 10. Teachers of international relations expecting to be present are requested to communicate with Professor Zimmern suggesting any particular matters that they would like to have brought forward for discussion. This should enable them to be given advance notice of the order of proceedings proposed to be followed at the meetings. Communications should be addressed to Professor Zimmern at the Conservatoire de Musique, Place Neuve, Geneva.

On April 3-4, a conference on the teaching of undergraduate courses in the social sciences was held at Northwestern University. One hundred and twenty-seven instructors in political science, history, economics, philosophy, psychology, sociology, and anthropology were in attendance, representing fifty-three middle-western colleges. Of two general sessions, the first was devoted to a consideration of freshman courses in the social sciences and the second to the relation between teaching and research in the undergraduate college. Five round-table meetings were held. At one devoted to political science, the introductory course in political science was discussed on the basis of papers presented by Professor David King, of the University of Akron, Professor W. F. Cottrell, of Miami University, and Sister Eucharista, of the College of Saint Catherine. Professor A. R. Ellingwood, of the department of political science, served as chairman of the committee in charge of arrangements.

A series of social science research conferences were held at the California Institute of Technology, Pasadena, on June 17-18 under the joint auspices of the Pacific Coast Regional Committee of the Social

Science Research Council and Sections K and L of the American Association for the Advancement of Science. The program was arranged by a representative committee under the chairmanship of Professor William B. Munro. Among subjects dealt with in round-tables were quantitative methods in the social sciences, the problem of tax reform, American foreign policy and foreign trade, law enforcement and the prevention of crime, the formation of public opinion and the reorganization of political parties, the consolidation of local government units, the primary system of nominations, problems of urban-rural relationships, and immigration problems on the Pacific coast. It was agreed to form an organization of social scientists on the Pacific coast, meeting every June.

The eleventh session of the Institute of Politics was held at Williamstown, Massachusetts, from July 30 to August 27. The principal conferences, with leaders, were as follows: the future of democracy, Professor Arthur N. Holcombe, Harvard University; social psychology of international conduct, Professor G. M. Stratton, University of California; international problems of commercial and financial policy, Professor Jacob Viner, University of Chicago; the future of the British commonwealth of nations, Dean Percy E. Corbett, McGill University; distribution of wealth and income, Professor T. E. Gregory, London School of Economics; the political situation in western Europe, Professor William E. Rappard, School for Higher International Studies, Geneva; the disarmament problem, Mr. James G. MacDonald, Foreign Policy Association; and the pact of Paris, Professor George H. Blakeslee, Clark University. Among special lecturers were Dr. Alberto de Stefani on the economics of Fascism, and Dr. Guustav Stolper on the economics of capitalism.

The seventh annual awards of research fellowships were announced by the Social Science Research Council last April. Twenty-four new fellows were appointed for 1931-32, and two extensions from 1930-31 were made. Appointments of special interest to political scientists include the following, with, in each case, the subject to be studied: Harwood L. Childs, Princeton University, "The Influence of Industrial and Labor Organizations on German Government and Politics;" Herbert E. Dougall, Northwestern University, "The Post-war Relations Between French Railways and the French Government;" J. A. Clifford Grant, University of California at Los

Angeles, "The Bearing of the American Federal System upon Constitutional Guarantees Relative to Self-Incrimination, Illegal Searches and Seizures, and Double Jeopardy;" Everett C. Hughes, McGill University, "The Catholic and 'Christian' Trade Unions, Coöperatives, and Political Parties of Germany in their Relations to Secular or 'Neutral' Organizations Serving the Same Ends;" Charner M. Perry, University of Texas, "Fundamental Concepts in the Social Sciences;" Harry R. Rudin, Yale University, "German Imperial Policy in the Kamerun;" James T. Russell, University of Chicago, "A Study of Political, Social, and Economic Problems with a View to Measuring Trends in International Attitudes;" Francis G. Wilson, University of Washington, "The Rôle of the International Labor Organization in the Development of World Government." One of the reappointments is John T. Salter, University of Wisconsin, "The Ward Leader: A Study of the Republican Party Organization in Philadelphia." Among political scientists receiving grants-in-aid during 1930-31 were Professors William Anderson, of the University of Minnesota, Clarence A. Berdahl, of the University of Illinois, James M. Callahan, of the University of West Virginia, Cortez A. M. Ewing, of the University of Oklahoma, Karl J. Friedrich, of Harvard University, Johannes Mattern, of Johns Hopkins University, and Wylie Kilpatrick, of the New Jersey League of Municipalities.

Present Status of Legislation Requiring the Teaching of the Constitution in Colleges and Universities. Since the World War, vigorous demand has arisen for legislation requiring the teaching of the national and state constitutions in the public schools; and state-supported colleges and universities have incidentally been affected. The leading organizations promoting the movement have been the National Security League and the American Bar Association, although many others, such as the Daughters of the American Revolution and the American Legion, have participated. Various schemes of adult education are promoted; oratorical contests on the Constitution are staged; and, in general, veneration of and devotion to national institutions and symbols is encouraged.¹ The explanation of the movement is to

¹ This movement marked a reversal of pre-war tendencies. Walter Lippmann, in 1914, said in his *Preface to Politics*, p. 184: "The vital part of the population has pretty well emerged from any dumb acquiescence in constitutions. Theodore Roosevelt, who reflects so much of America, has very definitely cast down this idol. Now since he stands generally some twenty years behind the pioneer and about

be found partially in the heights attained by nationalistic feeling during the World War. Probably as important was the "bolshevik scare" which occurred soon afterwards. Many prominent citizens were, to put it mildly, somewhat disturbed by uncertainty as to whether the *status quo* was going to survive.² A reflection of this factor is seen in a typical statement of the committee on American citizenship of the American Bar Association: "Contemplating, then, the whole field of our citizenry, the proposed subversion of our institutions by the reds and the pinks, the ignorance of the foreign vote, and the general apathy of the intelligent American voters, the prospect for the future is appalling."³

The teaching of and understanding of and respect for the Constitution was hit upon as a method of checking "the proposed subversion of our institutions." As a result, legislation has been adopted in forty-three states requiring instruction in the Constitution in the public schools.⁴ In twenty-three states, such legislation has been made applicable to state-supported colleges and universities.⁵

The law relating to institutions of higher learning is uniformly included in an act designed primarily to apply the policy to the public schools. In most cases, the law affects all state-supported colleges and universities, although in Arizona and West Virginia it refers only to teachers colleges. The Georgia law affects "colleges," but not specifically the state university. In Nevada, Oklahoma, and Utah, private

six months ahead of the majority, we may rest assured that this much-needed iconoclasm is in process of achievement." For a reasoned defense of the movement, see A. B. Hart, "'Instilling' the Constitution," *Current History*, XXVII, pp. 104-105 (1927).

² The committee on American citizenship of the American Bar Association said that the issue was very clearly drawn between "stability and radicalism; between the forces of real progress and retrogression; between a government under a written constitution as established by our fathers and a government by the mob—or, if you please, the proletariat. . . ." *Reports, American Bar Association*, 1923, p. 442 *et seq.*

³ *Reports, American Bar Association*, 1924, p. 255 *et seq.* See also other statements of the committee published in the *Reports*.

⁴ For accounts of the movement and its results, with special reference to the public schools, see Bessie L. Pierce, *Public Opinion and the Teaching of History in the United States*, 184-205 (1926), and *Civic Attitudes in American School Textbooks*, 229-241 (1930).

⁵ In Connecticut (not included in this number), it is required that normal colleges shall offer courses in the duties of citizenship, including a knowledge of national, state, and local government. *General Statutes*, Sec. 836 (1930).

institutions of higher learning are also included.⁶ In ten of the twenty-three states, the state constitution, as well as the national constitution, is required to be included in the course.

In eight states, the law specifically enjoins that students must have had the course on the Constitution before being eligible to receive a certificate of graduation. In the remaining states, it provides that regular courses of instruction shall be given, apparently leaving it to the college authorities to determine whether such study shall be prerequisite to graduation. The National Security League favored the passage of a bill making the course compulsory for all students,⁷ but offered an alternative draft providing merely that courses should be given.⁸

Considerable diversity exists in the amount of instruction offered under these laws. In a few instances, the legislation itself specifies the amount. The laws of Florida, Nevada, South Carolina, and Wyoming stipulate that the instruction shall be given for at least "one year." The Illinois statute requires one hour per week for an unspecified length of time. The Texas statute prescribes three term-hours in American government, with special emphasis on the constitutions of the United States and Texas.

In eleven states, the statute provides that such instruction shall be given "to an extent to be determined by the state superintendent of public instruction" or some similar educational official. As far as communication with these authorities reveals, they usually refrain from exercising the power in connection with the colleges and universities. Such inaction is appropriate, in view of the usual legal relationship existing between them and the state institutions of higher education.

*Of the twenty-three states, seven (Ariz., Ark., Calif., Fla., S.C., Tex., and Wyo.) which do not directly require the instruction to be offered in private colleges probably achieve the same end indirectly by an incidental provision of the law prescribing that applicants for teachers' certificates shall have passed an examination upon the principles and provisions of the Constitution, or have had a course upon the subject. In those states where the law is applicable only to the lower schools, but incidentally requires the passage of an examination upon the Constitution for a teacher's certificate, the curricula of both state and private colleges are probably affected.

⁷Letter to writer, April 15, 1931. The Arkansas statute follows practically verbatim the No. 1 bill of the National Security League. See *General Acts*, extraordinary sess., 44th General Assembly of Arkansas, pp. 170-172 (1923).

⁸The alternative draft proposed by the League was adopted almost verbatim in Colorado, among other states. See *Laws*, 25th sess., General Assembly of Colorado, Ch. 151 (1925).

ANALYSIS OF LEGISLATION REQUIRING INSTRUCTION IN NATIONAL AND STATE CONSTITUTIONS IN STATE COLLEGES AND UNIVERSITIES

Column 1. Year in which law was enacted.

Column 2. Requirement of teaching of national constitution.

Column 3. Requirement of teaching of state constitution.

Column 4. State superintendent of public instruction or similar authority empowered to determine "extent" of instruction.

Column 5. College or university authorities expressly or implicitly left power to determine amount of instruction.

Column 6. Course in constitution or constitutions specifically required by law of all students before graduation.

Column 7. Legislation requires merely that the course be offered.

<i>State</i>	1	2	3	4	5	6	7
Alabama	1923	x		x			x
Arizona	1924	x	x		x		x
Arkansas	1923	x			x	x	
California	1923	x		x			x
Colorado	1925	x		x			x
Delaware	1923	x	x	x			x
Florida	1927	x				x	
Georgia	1923	x	x		x	x	
Idaho	1923	x		x		x*	
Illinois	1921	x	x				x
Kentucky	1924	x		x			x
Louisiana	1926	x			x		x
Missouri	1927	x	x	x			x
Nevada	1923	x	x		x	x	
Oklahoma	1925	x		x		x	
Oregon	1923	x		x			x
Pennsylvania	1923	x		x			x
South Carolina	1924	x			x	x	
South Dakota	1923	x	x		x		x
Texas	1923	x	x			x	
Utah	1923	x			x		x
West Virginia	1923	x	x	x			x
Wyoming	1925	x	x		x	x	

* Requirement for graduation in Idaho is by rule of the state board of education.

The Idaho state board of education has required two semester hours in the Constitution for graduation. Regulations of the California state board apply only to the junior colleges, and allow these institutions considerable latitude with reference to the course.⁹ In Ar-

⁹ See *Rules and Regulations of the State Board of Education* (Bulletin F-1, Sacramento, 1930).

kansas, South Carolina, and Wyoming, the state superintendent of public instruction, or the corresponding official, is authorized to make due arrangements for carrying the law into effect, and for that purpose to prescribe suitable textbooks for college classes. In Arkansas, this power has not been exercised.¹⁰ Information on the other two states is not available. In the remaining states, the power to determine the extent of instruction to be offered on the Constitution is either implicitly or expressly left to the appropriate college or university authorities.

As to the content of the course necessary to meet the requirement, the most common provision is that "there shall be given regular courses of instruction in the Constitution of the United States." Another popular formula prescribes that instruction shall be given "in the essentials of the United States Constitution, including the study of and devotion to American institutions and ideals." The Texas statute requires instruction in American government, with special emphasis upon state and national constitutions. This appears to be superior to the general requirement, for it interferes less with the established curriculum, and at the same time gives the course a broader scope than do most of the laws.

A few observations may be ventured with respect to the legislation under examination. Legislative regulation of the college curriculum is by no means unprecedented, but a state of affairs in which legislatures should add to or subtract from the curriculum at the behest of organized pressure groups would be most undesirable. Considering the peculiar nature of the movement here chronicled, there seems to be no great cause for fear that this practice will spread to other fields of study. But it may be said that if instruction under this particular set of laws were carried on in the fashion desired by most of the interested propagandist agencies, the result in the long run would probably not be altogether happy. It would not be unfair to say that these organizations desire the colleges to fix firmly in the student's mind the attitude that the document framed by the Fathers in 1787 embodies the finalities of political development.¹¹ The power of the state to employ its schools for this purpose is unchallengeable; but the wisdom of such a policy is another matter.

¹⁰ Letter from assistant state superintendent to the writer, April 28, 1931.

¹¹ So far as is known, no energetic effort has been made by these agencies to influence the attitudes of college instructors. But with reference to secondary schools, see the report of a committee of the Illinois Bar Association reprinted by the American Bar Association in *The Constitution and the Schools*.

Moreover, the advocates of this sort of legislation appear, as a group, to be unaware of the fact that usage, judicial interpretation, and party practices have wrought tremendous changes in the meaning of the Constitution. When they do become aware of such changes, they usually denounce them indiscriminately on principle. It is submitted that it is not a proper function of colleges to propagate such an attitude. Blind worship is as bad as blind criticism. The desirability of equipping the college graduate with a knowledge of political problems is admitted by every one; but instruction on the Constitution alone will not meet this need.

VALDIMER O. KEY, JR.

University of Chicago.

BOOK REVIEWS AND NOTICES

EDITED BY A. C. HANFOED
Harvard University

Liberty in the Modern State. By HAROLD J. LASKI. (New York: Harper and Brothers. 1930. Pp. iv, 288.)

It is now fourteen years since Professor Laski began to publish his political philosophy. In that time he has built for himself a position of eminence unique in England. In the words of the *Times* reviewer of his *Grammar of Politics*, he has restated the tradition of John Stuart Mill in terms of the twentieth century. He has done more. No responsible judge is likely to deny that his work in this century is already as important as was that of Mill in the last century, and is as certain of immortality. Any one who will consult this present volume on *Liberty in the Modern State* will find there more passages than one which are as fine as anything which has been penned on the subject by any living writer in the English language, and which justify H. W. Nevins, when publishing his volume of essays on liberty, in beginning with Milton and ending with Laski. A recent reviewer in the *Nation* declared that political ideas in England are a spent force. When one reads Professor Laski's writings, one detects little sign of this abatement of vitality. The time, however, has come when a critical estimate of Professor Laski's philosophy should be attempted.

Certain things stand out. Professor Laski started as a pluralist at a time when pluralism was associated with the guild socialist group. He has steadily progressed in the direction of classical individualism. Although importance is attributed to the part played by associations, no relic is left of the doctrine which attributed to these associations, as well as to the state, a *persona realis* and a group consciousness. The associations are merely supplementary forms of organization which the individual chooses for himself to give shape to his social activities. Further, it is only in a very popular sense that Professor Laski can be called a socialist. There is very little of the Platonist in him, and, although there is a very great deal indeed of the Rousseauist, it is the young Rousseau, and not the Rousseau of the *Social Contract*, with whom he has sympathy. He is, and has been becoming increasingly for years, a philosophic anarchist—an exponent, to use his own phrase, of the doctrine of "contingent anarchy." His individualism is not of the brand of Spencer and Nietzsche, founded on Charles Darwin with

a spice of original sin, but is founded on the original grace of Condorcet and Proudhon. He has a truly Girondin belief in the value of discussion—a value much underestimated in certain quarters today. He has that moral elevation which characterizes all who sincerely believe in the preëminence of reason; but it is questionable whether his philosophy can effectively confront, as does the philosophy of Plato and the empiricism of Machiavelli, the problem of the stupid man. His interpretation of politics is decidedly that of a philosophy of values, not of an amoral science. In the light of these observations, it is possible to comment more incisively upon the four chapters into which *Liberty in the Modern State* is divided.

The crux of Chapter I, on "The Nature of Liberty," is that conscience may be perverse, foolish, and ignorant, but at least it is our own; that not to follow it is to betray freedom; and that "man is a one among many obstinately refusing reduction to unity." On the basis of political science, I emphatically concur in this admission. But on the basis of the "ought" of political philosophy, the scholastic doctrine of the rational conscience, which resolves the atomism of a mere intuitive conscience or prejudice into some general rule of law, does not seem to have been explored. Rational experience is not private. This is not to underestimate the importance of the admission, which the writer makes, of the need for information as a basis for judgment. We want a pamphlet on conscience from Professor Laski. It seems to me that he might have difficulty, despite all his balancing of natural rights by equality, if he were dealing with a man who claimed a direct intuition, like Lord Inchcape, on the subject of the sacred rights of property, but who, *per contra*, like Aristotle, had no monition of conscience on the subject of equality. The revival of a doctrine of natural rights is infinitely more dangerous than the long-called-for revival of natural law.

The crux of the second chapter, on "Freedom of the Mind," seems to lie in the statement that freedom of speech is a right, whether in war or in peace. "If a man feels, like Sir Henry Campbell-Bannerman, that British policy in South Africa is 'methods of barbarism,' it is his right, as well as his duty, to say so." This presumably does not mean that it is his legal right; and I am unable to see that a moral right adds vigor to a moral duty. Indeed, Professor Laski seems to waver between the position (p. 177) that only force may be met with force, the position (p. 135) that voluntary bodies are only entitled to practice what they please outside the realm where their conduct "ar-

rests the continuity of general social habits," and the position (p. 179) that the issue of suppression of conduct, merely because society dislikes it, is "impossible to decide as a general principle." The distinction is not made between the theory of sound law in a compulsory, heterogeneous society, which, just because it has no higher ultimate bond than force, must respect freedom (short of disorder) as something higher than itself, and in a voluntary, homogeneous society, which, because it involves moral assent on principles, is entitled to exercise censorship in every fashion consistent with those principles. In this latter society the question is not of whether censorship is good or bad in itself, but only of whether it is reasonable or unreasonable in its methods.

The crux of the third chapter, on "Liberty and Social Power," is that "men think differently who live differently," and that those who possess power in a society of unequals tend to suppress ideas which would disturb them in possession. As a statement of positive politics, this evokes entire agreement. But as an indication of the nature of an equalitarian ideal, I wonder whether Professor Laski does not leave readers with the impression that all experiences—those of the most stupid and of the wisest—are born free and equal. One wonders whether the true bases for the equality campaign do not lie in the monstrous perversions of values involved in the fortunes (and disproportionate control of power) of pork-packers, profiteers, and other such folk, and in the danger that any class superiorities (or anything but strict social equality) will be founded on arrogance. These comments are not made as adverse criticisms. They are made in order that the road to complete intellectual assent may be found for those who are already in profound emotional accord with Professor Laski's general position.

GEORGE E. G. CATLIN.

Cornell University.

Politics. BY HAROLD J. LASKI. (Philadelphia and London: J. B. Lippincott Company. 1931. Pp. 160.)

As an indication of the development of Mr. Laski's political thought, the "Hour of Politics" has an importance far greater than its title and its brief compass of one hundred and sixty pages would suggest. In the introductory chapters on the nature of the state and its place in the great society, one is at first somewhat surprised to come upon an almost, if not quite, orthodox statement of the modern doctrine of legal

sovereignty, though coupled still, it is true, with evidences of the author's persistent concern over the fact, as he sees it, that the traditional doctrine almost inevitably results in the separation of ethics from politics, through the identification of *jus* with *quod jussum est*. But on second thought one is reminded that whereas in his earliest works this concern led Mr. Laski to an equally persistent confusion of the "is" with the "ought to be," and almost, though never quite, to a denial of sovereignty he has in his later writings shown a progressive clearing up of this confusion, and an increasing willingness to acknowledge the actual sovereignty of the state, despite the uses made of it and the claims too often put forth in its name. The opening pages of the *Politics* reveals how far he has traveled along both these roads. Surprisingly faint, also, are the echoes of his pluralistic point of view, in his assertion of the essentially federal nature of society. On his favorite question of the justification of state power, however, the author, as heretofore, finds such justification only in the securing to man "at the least possible sacrifice," of the "maximum satisfaction of human wants," or in other words of his "rights"—according still, it will be noted, to Mr. Laski's definition of those rights. Consistently with this theory, law also remains "a claim to obedience validated by experience of its results."

The second half of the book considers state organization and international organization. The state organization expounded and advocated is that of the cabinet government largely of the English type; and here again one is surprised at the skepticism expressed with regard to functional representation. Mr. Laski sees as inevitable the development of international organization, apparently in the form of the existing League of Nations, for which he predicts a steady progress toward true and complete statehood. One or two typographical errors, or errors in spelling, and one error of fact, in the statement of the amendment process under the Constitution of the United States, have been detected. These, however, are negligible in a work of such sustained excellence. In the reviewer's opinion, the concluding paragraphs on the tremendous necessity for international organization are, in their nice balance of intellectual detachment, strong moral conviction, and felicitous expression, reminiscent of the best in the political literature of all ages.

ELLEN DEBORAH ELLIS.

Mount Holyoke College.

Antidémocratie. BY SILVIO TRENTIN. (Paris: Librairie Valois. 1930. Pp. 278.)

Aux sources du fascisme. BY SILVIO TRENTIN. (Paris: Marcel Rivière. 1931. Pp. 212.)

Le Procès de Rosa. Preface by Jean-Richard Bloch. (Paris: Librairie Valois. 1930. Pp. xv, 164.)

These recent publications throw a beam of light on certain theoretical and practical developments in the Fascist movement. Professor Trentin, after his monumental work on the transformation of Italian public law, now devotes two volumes to some of the outstanding problems of the new order of things. Though an exile and a bitter enemy of Fascism, he always maintains his objectivity and philosophical outlook. In his *Antidémocratie*, he shows in an interesting and impressive way how the traditional institutions of modern Italy have been destroyed or remolded by the Fascist dictatorship. Practically the whole constitution of Charles Albert has become a show window for the new state. For this purpose, a new nationalistic myth was created which gives a certain compensation for the confiscation of human rights.

In his second volume, Professor Trentin repudiates very convincingly the generally accepted thesis that the chief cause of Fascism was the corruption and inadequacy of the Italian democracy. The author corroborates the conclusion so forcibly demonstrated by Benedetto Croce that the widely calumniated Italian Liberalism accomplished great and important results, and that its failures were not due to the parliamentary system but rather to the corrupting and debasing influences of the former despotic systems. One of the most interesting parts of the book is the demonstration of the fundamental antagonism in the system between the despotic head and the democratic body. The author strongly emphasizes that the whole system would be an impossibility without the concurrence of two external forces: *haute finance* and the Roman Catholic Church. In his last chapter, Professor Trentin seeks new bulwarks to maintain a democratic state. It is interesting to observe how his whole attitude is near to that of the great Monarchomachs, showing how similar causes lead to similar conclusions. This analogy is almost pathetic when one reads the documents of the De Rosa trial. This young man, a former Fascist, tried to murder the Italian crown prince in Brussels. His speeches and those of the witnesses before the jury of Brussels show an ideology which is very

close to that of the tyrannicides of the Absolutistic period. This analogy goes even farther when one of the witnesses speaks of the 3rd of October, 1925, in Florence as the "new St. Bartholomew."

OSCAR JÁSZI.

Oberlin College.

The Marxian Theory of the State. BY SHERMAN H. M. CHANG. With an introduction by John R. Commons. (Chester, Pa.: John Spencer, Inc. 1931. Pp. xiv, 230.)

In 1903, the present reviewer wrote a book in Hungarian called "The State Philosophy of Historical Materialism," and he now experiences a strange feeling when he sees that a theory which twenty-eight years ago failed to arouse much academic interest has become perhaps the greatest practical issue of our period. Whether one admires, as does Mr. Chang, the Marxian conception of history and politics, or whether one is skeptical about it, as the reviewer is, one cannot fail to admit that perhaps no other ideology in history has molded social realities so strongly as has the Marxian. The economic side of the Marxian doctrine has been abundantly treated by many able theorists, but the political side of the teaching has remained somewhat neglected in academic circles. Therefore Mr. Chang's enterprise must be welcome to all who are interested in present-day political problems.

Mr. Chang's book contains three main divisions, of varying merit. The first part, devoted to the general aspect of the Marxian philosophy, is a good orientation, but is sometimes incomplete and hasty. The second part, containing the main bulk of the book, treats the class-domination theory of the state, the overthrow of the bourgeois state by the revolution, the establishment of the dictatorship of the proletariat, the theory of the dictatorship, and the withering away of the proletarian state. This part, which is the heart of the book, is the most comprehensive and penetrating presentation of a long and passionate controversy to date. Mr. Chang is successful in showing in a cogent and decisive way that the original gospel of Marx and Engels was far nearer to the interpretation of the Bolsheviks than to the diluted and softened version of it given by the Revisionists. There can be no doubt that, in this process of softening and diluting, even conscious falsification has entered.

The third part of the book is given over to a discussion of the applica-

tion of Marxism in Soviet Russia, and to the estimate of the Marxian system. This is the weakest part of the volume, accepting, without sufficient criticism, almost all the claims of the Bolshevik propagandists concerning both the past and the present. For instance, the Marxian communistic character of the Paris Commune is credulously adopted, and the Russian experiment is brought into harmony with the Marxian teaching, by accepting the Bolshevik subterfuge that Marx considered Germany of 1848 as already ripe for communism. In this way, one of the greatest theoretical blunders of Marx becomes an explanation of the paradox by which one of the most backward countries of Europe, Russia, has realized communism earlier than the most advanced industrial countries.

In his general appreciation of the Marxian ideology, also, Mr. Chang does not dig deeply enough. His original contributions to the subject are small, and on the other hand he is not sufficiently acquainted with the work of such men as Anton Menger, Labriola, Masaryk, Michels, Weber, and many others. Even the fundamental works of Werner Sombart and Oppenheimer are quoted only from their older and antiquated editions. Especially in the new edition of Sombart's work (*Der Proletarische Sozialismus*, 1924), he could have found the most complete bibliography on the subject.

OSCAR JÁSZI.

Oberlin College.

The Jacobins; An Essay in New History. BY CLARENCE CRANE BRINTON. (New York: The Macmillan Company. 1930. Pp. x, 319.)

The outstanding quality of Mr. Brinton's book is, perhaps, its sincerity and the willingness of the author to admit and point out himself the uncertainties of his conclusions. It is essentially an attempt to apply the methods of the "new history" to the most puzzling and controversial aspect of the French Revolution, and to define with some plausibility the social characteristics of the group of men known as the Jacobins. In his clear and dispassionate analysis, Mr. Brinton has studied the growth and organization of the "clubs" during the period which extends from 1789 to 1795. A painstaking scrutiny of the available documents has enabled him to conclude, with his characteristic honesty, that the Jacobins were neither "nobles nor beggars," but "almost anything in between." They did not constitute a class united by "common social standing, a common standard of life, and

common economic interests." It is almost equally difficult to define the "platform" of the Jacobins, for "it might well be that each Jacobin had his own purposes, his own desires." As a matter of fact, most of their aims, ways of thinking, or interests were common to the other Frenchmen of the time, and even, as Mr. Brinton remarks, to a large proportion of Europeans and Americans of the middle of the nineteenth century. The Jacobins, however, attempted to distinguish themselves from their contemporaries through the adoption of a ritual, often described and not infrequently ridiculed. But, to quote the author again, "no ritual can be in itself empty;" as soon as it is adopted by a group, it becomes a discipline and molds the life of the members of the sect. The Jacobins had a faith presenting all the external appearances of a religion; they kept and reproduced rites and formulas of the Church they execrated, including the *confession générale* and the excommunication called by them *épuration*. This survey is accompanied with "tables" and whatever statistical data are available, not only in Paris, but in the departmental archives. It contains much that is new, and it will help to correct and dispel some of the hasty generalizations in which historians of the French Revolution have too often indulged.

The fact remains, however—and the author admits it himself—that "what was meant sincerely as a study in the new history has come to a conclusion strangely like that of very old-fashioned history indeed." This is a most important admission. But I confess my inability to share the regret expressed by Mr. Brinton when he declares that "before so surprising a conclusion sociology rightly recoils. The exploded intellectualist fallacy is obviously trying to creep in, and we had better not open the door any wider." Indeed, we may wonder right here whether the methods of the new history, legitimate and sound as they may be for the study of the slow course of calm periods, do not fail when they are applied to stormy episodes. If new history is apparently unable to give us a satisfactory solution, this failure may be due to an inherent defect of the methods themselves, or to the failure of the author to take into consideration some essential factors which are not susceptible of statistical study. That Mr. Brinton is not unaware of this fact appears in the first part of the excellent chapter devoted to the "tactics" of the Jacobins. It cannot be doubted that there was a tremendous Jacobin propaganda to which may be applied "even so modern a word as ballyhoo;" but it cannot be doubted either that this

propaganda emanated from Paris and reflected the views of a small group of men.

A study of the Jacobins which leaves out the *Comité de Salut Public* and the *représentants en mission* is necessarily incomplete and cannot be "wholly satisfying." A reference to the recent study of Auguste Viatte (*Les Sources occultes du Romantisme: Illuminisme-Théosophie, 1770-1820*, Paris, 1928) would not have been out of place, for illuminism created a favorable "climate" for the development of Jacobinism. Much could be said about the influence attributed to Rousseau, and the author might have consulted with profit the studies of M. Edme Champion (*Jean-Jacques Rousseau et la Révolution française*, Paris, 1910). It is somewhat surprising to see that no mention is made of the thesis of Bernard Fay (*L'Esprit révolutionnaire en France et aux Etats-Unis*, Paris, 1925) in a short discussion of the attitude of the Jacobins toward their American brothers (p. 271, n. 6).

I would be even more unwilling than Mr. Brinton to recommend an unholy combination of Taine and Aulard; but it would be all to the advantage of the "new historians" if they admitted as frankly as Mr. Brinton does the complexity of the problems encountered in a study of the behavior of men during a period of stress, and if they recognized that apparently and occasionally large groups of men act against "their true selfish interests." Quite appropriately, the author has noted that the Jacobin spirit did not die after 1795, but manifested itself even during the Third Republic. Those of us who lived through the stormy years of the Dreyfus Affair cannot help believing that even in our day, as well as in the days of the Revolution, large groups of men can be found who act "against what they are aware is contrary to their true selfish interests."

GILBERT CHINARD.

✓ Johns Hopkins University.

✓ *Pacifismus und Imperialismus*. BY LEO GROSS. (Leipzig und Wien: Franz Deuticke. 1931. Ff. x, 453.)

Pacifists have, as a rule, been less noted for the clear and rigorous character of their thinking than for the strength of their moral indignation. Furthermore, they have tended to adopt an apologetic attitude to insure themselves in advance against the charge of being idealists dreaming Utopian dreams. On both these counts, Dr. Gross has delivered a weighty and timely indictment. If pacifism is to establish itself as the new creed, it must surely be prepared to face its critics

both fearlessly and with a system thought through to its logical conclusions. To neglect either is to invite defeat.

As the critical foundation for this study, the author has taken over virtually intact the system and methodology of Hans Kelsen; a prefatory note states that the aim of the work is to prove the fruitfulness of the master's juristic and political ideas by applying them to the concrete example of pacifist and imperialist theories. Whatever his intentions, however, Dr. Gross has been carried beyond this modest program by his own deep conviction of the rightness of the pacifist cause, and the book has in consequence a warmth which no mere application of a master's premises could lend it.

In this adherence to the doctrines of Professor Kelsen lies both the strength and the weakness of the work. It is a point of strength inasmuch as these doctrines present a sharply defined and clearly worked out system by means of which any given subject-matter can be tested. The insistence on the cardinal importance of the principle that a *Sollen* can never be derived from a *Sein*, that no moral or legal obligation can arise from a state of fact, makes it an easy task to detect the fallacies that lurk in the argument that we should work for world peace because the world is naturally headed in that direction anyhow. Likewise the reduction of the state to a mere system of legal relationships, having no substantive existence of its own, readily disposes, rather perhaps by assertion than by inescapable proof, of the notion that the state is a Leviathan which must be served.

But these doctrines have their weaknesses as well. The abstract, and even artificial, character of some of the reasoning involved is no doubt peculiarly difficult for, not to say irritating to, minds trained in the less strictly logical Anglo-Saxon methods. The recognition that the ultimate norm from which all lower norms derive their validity is merely hypothetical and can absorb any content is distinctly disappointing. It is difficult to escape the feeling that the magician did somehow put the rabbit in the hat before he finally and bewilderingly pulled him out.

For the most part, however, there can be little question that the author's critical commentaries on the current theories of pacifism and imperialism are amply justified. The attack, for example, on the utilitarian and liberal pacifist theorists is well conceived and ably carried out. Even though it be established that war, in general, is not now a paying proposition—and here Dr. Gross uses Norman Angell as his primary target—a particular war at some other time may

demonstrably pay. If it does, then a pacifism based on an economic calculation must reverse its judgment.

The ultimate conflict between pacifism and imperialism, as Dr. Gross presents it, is the conflict between the ideology of Kant and that of Hegel. Accepting the latter, we accept the state as an entity and an end in itself, superior to all other ends. The world is constructed in the image of the sovereign state, a state which finds its highest expression in war. If, on the other hand, we accept Kant, then the state becomes an instrument for the living of the good life, and must meet the conditions that the moral law imposes. It is "the conception of the state as power against the conception of the state as law: Hegel against Kant." The all-devouring mortal god must give way to the ethical needs of men.

RUPERT EMERSON.

Harvard University.

The Historical Evolution of Modern Nationalism. BY CARLTON J. H. HAYES. (New York: Richard R. Smith, Inc. 1931. Pp. viii, 327.)

Despite the relative wealth of historical data for the exploration of the events and movements of the last few centuries, curiously little is known which throws light in any interpretative way on the obscure and tangled history of the origins of nationalism. The bare facts, to be sure, are adequately recorded, but they do not go far toward explaining why it was that nationalism appeared, thrived, and grew to its present overwhelming stature.

To this problem Professor Hayes addresses himself only briefly in a few pages of his concluding chapter, prefaced by the admission that it is highly improbable that any definitive answer to it can be found. For the most part, however, he is concerned less with the inner history of the evolution of nationalism than with the history of the doctrine of nationalism. In consequence, the present volume, which is closely linked to the author's earlier *Essays on Nationalism*, is made up largely of a series of more or less interconnected essays on writers of the last two centuries who have been selected as typical of phases in the development of the doctrine from its early cosmopolitanism and liberalism to its present virulent, or, to use Professor Hayes' term, integral, form.

The distinctions that the author draws between the different types of nationalism are suggestive and illuminating, regardless of whether or not they find ultimate acceptance. American thought has, on the whole, concerned itself far too little with analysis of the problems of

nationalism, and the author has rendered a real service in clarifying the doctrinal history by breaking it up into its component parts. It is inevitable that objections will be raised to his selection and treatment of the exponents of the different types of nationalism, but these are, in the main, details about which each student of the question would have his private opinion. Rousseau and Fichte, for example, seem deserving of somewhat different and more elaborate treatment, and it is regrettable that the writers of the Austro-Hungarian Empire have been almost wholly neglected. More fundamental criticism can be levelled at the discussion of the nationalism of France at the time of the Revolution, and at the almost unsupported assertion that "the extreme nationalism of the Russian Bolsheviks is likely to be remembered when the details of their economic experiments shall have been forgotten." The essential contribution of the volume, however, is that the inchoate mass of nationalist doctrine has been reduced to somewhat more manageable proportions.

The value of the book has been enhanced by the inclusion of a chapter on the economic factors in nationalism, but it is cause for regret that this chapter is necessarily rather summary and fails to develop systematically the distinctly significant suggestions that it contains. The shaping of politics by economics has been considerably overstressed, in its cruder forms at least, during the reign of the doctrine of historical materialism. It is well worth the risk of running counter to the fashions of the day to point out vigorously that the national state has shaped the progress of the industrial revolution quite as markedly as the latter has shaped the former. As Professor Hayes points out, the calm assumption that international trade will by itself shape an international political structure is by no means a necessary one.

In conclusion, the reviewer ventures to suggest that Professor Hayes might well have made a greater use of some of the European works on nationalism, such as those of Johannet, Michels, Otto Bauer, Karl Renner, Mitscherlich, and Friedrich Hertz. Devotion to primary sources is surely an admirable vice, but to push it to the extent of excluding the excellent critical and analytical studies which the Continent has produced in the last two or three generations makes it somewhat more dubious. In this field at least, Europe, far more immediately concerned with the problem than we are, has much to teach us.

RUPERT EMERSON.

Harvard University.

International Government. BY EDMUND C. MOWER. (Boston: D. C. Heath and Co. 1931. Pp. xiz, 736.)

International Administration. BY NORMAN L. HILL. (New York: McGraw-Hill Book Co., Inc. 1931. Pp. xi, 292.)

The field of international relations is still sufficiently virgin territory to make the appearance of a new text a matter of considerable interest as to its approach to problems and materials. The texts by Potter and Buell have stood almost alone as explorations of the varied contours in the different regions of the subject.

The title of Professor Mower's study, *International Government*, indicates, perhaps, that his base line lies somewhere between those of the authors already mentioned. He divides the field into seven major sections: the bases of international government; diplomatic intercourse of states; international executive and administrative functions; the international legislative functions; the international judicial function; the problem of war; the League of Nations. In an introductory section, he deals with the nature and origin of international government, factors contributing to the rise of modern international government (communications, democracy, federalism, economic internationalism, international aspects of national policies), and lines of future development.

Not the least significant aspect of the author's approach is his insistence upon the analogies between national and international "government." Throughout his discussion of the various topics, he draws the reader's attention back to the corresponding issues and their solutions in the sphere of national government. Professor Mower has succeeded admirably in charting the continuity, in both time and function, of the problems raised in both spheres, and in indicating the constantly widening scope of international activity for their solution.

The author's division of subject-matter necessarily involves some retracing of ground already covered. But this is not, as one reads the book through, by any means a disadvantage. For new perspectives are opened up and the reinvestigation of the organization and functions of a particular agency—for instance, the Council of the League of Nations as a conciliatory body, as a quasi-executive of the League, and as an organ with particular functions, e.g., in relation to minorities—only seems to sharpen the cutlines and indicate the varied nature of the terrain which is included in the sphere of international government.

Ample reference to official and secondary materials, liberal cross

references, and an unusually full index add to the utility of the book as a text. Altogether, it ought to remain for some time to come the most satisfactory available introduction to "government" in the international sphere.

Professor Hill's *International Administration* is the first post-war study in the United States which defines international administration in the terms of Reinsch and Sayre. By comparison with these earlier studies, as well as with the excellent essay of Leonard Woolf, the reader is at once struck by the changes both in the scope and in the machinery of international administration. Not only has the area widened, the number of activities and functions subject to international administrative control increased, but (particularly because of the existence of the League) the variety and effectiveness of the machinery for controlling these functions has increased also. It is to a description of this rapidly evolving complex of activities and agencies that Professor Hill's study is devoted.

After an introductory discussion of the rôle of international administration, the author devotes a chapter each to a description of international commissions with powers of control, national agents in international administration, the League of Nations (including the International Labor Organization) in general and mandatory administration in particular, and bureaus with informational and ministerial functions. Three chapters analyze some special problems—the conventional basis of international administration, the personnel of international administration, and supervision of bureaus and commissions.

Aside from published treaty texts and the official publications of the League of Nations, the author has availed himself of relatively little original material from the unions discussed. From one point of view, this is, perhaps, no disadvantage; the purpose of the study is to give rather a general survey of the field than an intensive analysis of the problems raised.

The range of materials is so diverse and the details so intricate that it would be out of the question to attempt to cover them at all adequately in less than 250 pages. The author has charted the field in its post-war aspects and indicated clearly enough the significance of the problems which rapid expansion both of function and of machinery has accentuated. Professor Hill points out the conventional basis of international administration. It is, without question, the indispensable sanction of consent which creates the authority and limits the scope of administration, whether in the national or international sphere. But

not all consent creates internationality of administration; it seems somewhat difficult to group under the term "international" Tangier, Danzig, and Haiti. At least, the element of internationality of control is absent in the last case which exists, in form at any rate, in the first two, however the evidence of consent may be weighed by the mere existence of a treaty.

It is, perhaps, impossible to prevent minor errors of fact in covering a field so varied and fluid. To mention but two in the sphere of the League, there were two international labor conferences in 1929 as well as in 1926 (p. 113); and the problems of the relation of the International Wine Office is not mentioned (p. 230-1). Professor Hill has included five typical conversions indicating the variety of international administration and a brief working bibliography. It is greatly to be hoped that he will explore this rich field further; this preliminary survey enhances the eagerness of the reader for more.

PHILLIPS BRADLEY.

Amherst College.

Social Politics and Modern Democracies. BY CHARLES W. PIPKIN (New York: The Macmillan Company. 1931. Two volumes. Pp. xxxiv, 377; vii, 417.)

Science and invention, joined to the acquisitive instinct of man, have given us an industrial society of unprecedented complexity. Concomitant with its development, political democracy has reached its fullest expansion. For the last fifty years, the representative governmental organs of the more advanced democracies have spent a large part of their time in the formulation of policies relating to the economic activities displayed by this industrial society. Much of the resultant legislation deals with the worker, and is based on a recognition of the social importance of his welfare.

Professor Pipkin's two volumes contain a very useful review of this type of legislation in England and France. The book is a revision and elaboration of the author's *Idea of Social Justice*, published in 1927. Some of the sections of the earlier book have been rewritten, all of the discussions have been brought up to date, and about thirty per cent of the present book consists of new material. A reference table of statutes and short appendices giving the organization of the ministry of labor in each country are also new.

The author is concerned primarily with the period from 1900 to

1930, but there are introductory chapters summarizing the "social movement" during the nineteenth century in both countries. For the last thirty years, we have a detailed exposition of legislative acts dealing with a great variety of problems—conditions of work, housing and town planning, pensions, minimum wages, hours of labor, the settlement of industrial disputes, trade unionism and its methods, and unemployment. The book is, however, much more than an abstract of legislative measures. It is a history of the growth of social forces; for "the genius of the democratic method seems to lie in the gradual evolution of institutions, each generation making plainer through them its will for the well-being of the people." Laws can be understood only in their setting, and their significance can be appreciated only if we know the economic needs, the social environment, the political influences, which brought them into being. So "the story has been told as much as possible in the language of workers' congresses and debates in Parliament and official reports," and "the reasons that governments gave for their social policy, through the responsible minister, have been set forth at length." Much attention has been given to the political labor and socialist movements in both countries, for the author is particularly interested in showing "how the alliance of the industrial and political labor movements, much more effective in England than in France, has made it possible to call into active collaboration organized labor agencies in the public social services set up by governmental action." The British Labor party, adapting itself to the parliamentary system, has become an effective political force. On the other hand, the instability of the parliamentary régime in France, coupled with the French "love of logically working out an idea to its conclusion," has produced a schismatic labor movement dominated in the twentieth century by doctrinaire discussion. In both countries, social legislation has come slowly, crystallizing only when its need was generally recognized, and, resting thus upon the assent of a democracy, has produced no repercussions. It has "helped to create faith in popular government and has not been a cudgel used by legislatures," and so it has "weakened neither the organized labor movement nor frightened combines of capital into inactivity."

The experience of these two great democracies in dealing with issues that are so prominent in the industrial areas of our own country is very instructive, and the appraisal of that experience gives the book a practical value in addition to its academic usefulness. A third volume of the same character on Germany would be welcome. If we are to con-

tinue to trail these countries in the field of social legislation, we should at least take full advantage of our position and endeavor to learn by observation of their mistakes.

A. R. ELLINGWOOD.

Northwestern University.

Law and Literature. BY BENJAMIN N. CARDOZO. (New York: Harcourt, Brace and Company. 1931. Pp. 190.)

Law and the Modern Mind. BY JEROME FRANK. (New York: Brentano's. 1930. Pp. xvii, 362.)

The Story of Law. BY JOHN MAXCY ZANE. (New York: Ives Washburn. 1928. Pp. xiii, 486.)

The various addresses and essays of Chief Judge Cardozo, which the publishers have had the happy thought to reproduce in the first of these volumes, exhibit at their best the fine style and the broad sympathy of one of the greatest and the most revered of our judges. The title is taken from an essay originally published in the *Yale Review*, in which the literary qualities and types of judicial opinions are discussed by a master of the craft. Of the more occasional papers in the volume (including addresses at the third annual meeting of the American Law Institute, to the graduates of the Albany Law School, and on "The Comradeship of the Bar"), that on "The Home of the Law," is to be especially mentioned; it is a piece of classic poetry that breathes into a structure of mute stones the atmosphere of beauty and justice.

There is also included in the volume the essay on "A Ministry of Justice," originally published in the *Harvard Law Review*, which proposes that there should be an official committee charged with the oversight of the administration of justice and with the investigation and recommendation of proper legal reforms. It is an idea which has inspired the judicial council movement in a large number of states, one of the most promising developments of the last decade. The address before the New York Academy of Medicine is a magistral survey of the outstanding needs and problems involved in the reform of criminal justice, which not only emphasizes the great need of research in crime but should be read by lawyers and physicians as a statesmanlike chart of the directions which such research should follow.

In *Law and the Modern Mind*, Jerome Frank has applied to the processes of legal reason and judicial decision the more recent teachings of psychology. The result is one of the most stimulating and valuable books which has been written on law for sometime—in the English

language—and which has already started much-needed and healthy discussion. In effect, the purpose is to set forth and examine the source of what the author terms the “basic legal myth” that “law either is or can be made approximately stationary and certain.” And the thesis is that this desire for certainty in law is, in important measure, to be explained by the fact that men “have not yet relinquished the childish need for an authoritative father and unconsciously have tried to find in the law a substitute for those attributes of firmness, sureness, certainty, and infallibility ascribed in childhood to the father” (p. 21). The thesis is examined with reference to the language of the law, the judicial process, the jury, the current theories of legal realism, fundamentalism and mechanistic jurisprudence, and to the views of Pound, Ihering, Demogüe, Wurzel, Morley, Cardozo, and Holmes.

Without endeavoring in this brief review to notice the many problems of detail, it may be suggested that the discussion is more significant for its thoroughgoing enunciation of the proposition formulated by Mr. Justice Holmes many years since, that law is not a system of logical certainty, than for the psychological explanation given of the common belief that it is such. Indeed, as is suggested on p. 263, the explanation given is only one of numerous possible theories. Somewhat disorganized in outline, the work constitutes a brilliant critique of the prevailing authoritarian theories as to the nature of law, which is the more telling since it comes from a practicing lawyer.

John M. Zane's work is in the *genre* of the comprehensive, popular history, well-written and entertaining, which traces the story of law from the Tertiary Age to the sinking of the Lusitania. Penned by a lawyer of refreshing views, it readily carries, chiefly by anecdote, by the detailed reproduction of specific familiar events, and by a sometimes surprisingly suggestive juxtaposition of the contemporaneous and the ancient. The mode of treatment, of course, leaves unfortunate emphases; thus, my Lord Coke is depicted almost solely as the unconscionable prosecutor of Sir Walter Raleigh, and international law is principally treated in terms of the Alabama Arbitration. It is a book to peruse for episode or pungent opinion, but not to be taken too seriously as a representation of the current status of historical legal science. As the introduction would seem to suggest, it was written to satisfy a new urge of the “moving-picture” brain to which James indeed refers in the introduction.

HESSEL E. YNTEMA.

The Johns Hopkins University.

Československá Vlastivěda (Czechoslovakia in All Its Aspects). Volume V, *Stát* (The State). (Prague: Sfinx-Bohumil Janda Publishing Co. 1931. Pp. 704.)

Under the auspices of the Masaryk Academy of Work of Czechoslovakia, a series of eleven monumental volumes, dealing with the new state of Czechoslovakia in her cultural, artistic, economic, political, and social aspects, is being published in Prague. The language in which these publications are written is, of course, known to very few political scientists in this country. But the academic value of the work is such that it deserves recognition abroad. The wealth of material contained in the present volume, which, in general, covers the political life and governmental structure of Czechoslovakia, can be gathered from the fact that twenty-two well-known experts collaborated in its preparation. Each article, dealing with an independent subject, has a full bibliography in various languages; and there are 678 illustrations, in addition to numerous statistical diagrams and maps.

The problem of local administration is very troublesome at the present time in Czechoslovakia. The basic local self-government unit is the commune. The organization and activity of the commune rests mainly on the communal statutes, which differ considerably in different districts. The problem of minorities is intimately connected with it. The minority may use its own language, not only in the courts of justice, but in all public offices, unless the proportion of the minority is less than twenty per cent. Recent reports regarding census-taking brought up many recriminations in Czechoslovakia and abroad.

While the whole book shows Czechoslovak scholarship at its best, it is evident that nearly all the writers are rather legalists and followers of the Austinian school than political scientists of the type of Charles A. Beard. Professor Frant. Weyr, for example, is an outstanding authority of Czechoslovakia on constitutional questions, and his chapter, dealing with that subject, is a standard theoretical treatment. Yet the application of the Czechoslovak constitution differs vastly, in some aspects, from the theory. Thus the constitution provides for a special "constitutional court," an academic body which can give a decision if asked to do so by the house of deputies, the senate, the diet of Carpathian Russia, the supreme court, the supreme administrative court, or the electoral courts. But actually not one law has been examined. Weyr, however, does not tell us this—or various other important facts.

Nevertheless, on the whole, the volume has no competitor in the field,

and becomes *de facto* the standard work of reference for those few who are interested in the troublesome politics and changing governmental structures of Central Europe.

JOSEPH S. ROUCEK.

Centenary Junior College.

The Economic Life of Soviet Russia. BY CALVIN B. HOOVER. (New York: The Macmillan Company. 1931. Pp. viii, 361.)

Russia's Productive System. BY EMILE BURNS. (New York: Dutton and Company. 1931. Pp. 288.)

The Red Trade Menace: Progress of the Soviet Five Year Plan. BY H. R. KNICKERBOCKER. (New York: Dodd, Mead and Company. 1931. Pp. xviii, 277.)

The Five Year Plan of the Soviet Union: A Political Interpretation. BY G. T. GRINKC (New York: International Publishers. 1930. Pp. 340.)

The Challenge of Russia. BY SHEERWOOD EDDY. (New York: Farrar and Rinehart. 1931. Pp. x, 278.)

The Russian Experiment. BY ARTHUR FEILER. Translated by H. J. Stenning. (New York: Harcourt, Brace and Company. 1930. Pp. 272.)

If American readers remain ignorant of Soviet Russia, the blame cannot be placed upon the authors or publishers. The six volumes here briefly reviewed are merely a small portion of the ever-increasing number of books dealing with the political, economic, and social conditions of that country. The Five Year Plan, as might be expected, holds the center of interest.

Professor Hoover has written a very comprehensive, impartial, and detailed analysis of the Russian economic situation, based upon his personal investigations in 1929 and 1930. Conclusions are supported by a wealth of references and statistical tables drawn from Russian and foreign sources. The author believes that the Five Year Plan has a reasonable chance of success, providing the Soviet government reverts to its original figures for increased productivity and abandons the extravagant goal which it has substituted. The "impressive" successes hitherto obtained are founded upon force and fear, which have become inseparable from Communism. The peasants are helplessly hostile; but the majority of urban workmen are loyal, since their economic condition is better than before the Revolution. If the Five Year Plan succeeds within a decade, the urban worker's standard of living will

compare favorably with that of the more poorly paid workers in capitalistic countries. Unless in the meantime capitalism materially improves the economic condition of this class, the World Revolution will begin to make rapid strides.

Clearly, and with much detail, Mr. Burns describes the changes in the organization and efficiency of Russian industry and agriculture from 1917 to their culmination in the revised system introduced in 1930. There are separate chapters on oil, transport, municipal enterprises, coöperatives, the collectivization of agriculture, and the development of planned production.

Mr. Knickerbocker, the foreign correspondent of the *New York Evening Post*, bases his account upon the investigations made during a two months' tour of Russia in 1930. He believes that the Five Year Plan will be successful unless the dumping of Russian goods provokes an international boycott. For some years Russia will be a valuable customer, e.g., for machinery. She will become an increasingly dangerous competitor in raw materials, and eventually in industrial products.

Mr. Grinko, vice-chairman of the Gosplan, describes with tables and statistics the objectives of the Five Year Plan, as well as the progress made in the first two years. While not definitely committing himself to the statement that the Plan will be completed in four years, he is distinctly more optimistic than Professor Hoover.

The evaluation of Communist Russia by Sherwood Eddy is based on the author's personal investigations during six visits to Russia. He considers that rigorous criticism will continue indefinitely, and condemns Bolshevism chiefly for: (1) its complete denial of liberty; (2) its belief in world revolution as a panacea; (3) its narrow and intolerant dogmatism. Mr. Eddy considers Russian superior to American society in its social services and its elimination from society of the desire for wealth. He urges recognition of Russia and a reform of the American economic and political system.

Mr. Feiler has written an interesting account of Bolshevism, political, economic, and social, concerning himself chiefly with the period prior to 1929. He considers that the principal danger of Bolshevism to Europe is its threat to the right of individuality. "The aim of Bolshevism is . . . a collectivized man, living collectively and collectively thinking, feeling, and aspiring. And Bolshevism has already made considerable progress in fashioning this collective man."

LENNOX A. MILLS.

University of Minnesota.

Constitutional Development in the South Atlantic States, 1776-1860.

By FLETCHER M. GREEN. (Chapel Hill: University of North Carolina Press. 1930. Pp. xiv, 323.)

One of the most noticeable aspects of the great productivity of American historical scholarship during the past twenty years has been the general neglect of constitutional history. Aside from writings dealing with the formation of the federal Constitution and with the work of the Supreme Court, there have been very few studies in this field. And although these two subjects are of unquestioned importance, they are but two among many parts of the whole. The absence of any recent attempt to survey the entire course of our constitutional development is indicative of the number of problems upon which research and commentary remains to be done. The numerous surveys of almost every other phase of American history, and the many careful works dealing with English constitutional history, several of them by Americans, find no counterpart in the field of American constitutional history. Among the subjects which must receive more thorough investigation before an adequate history of American constitutional government can be written is that of state constitutional development; for, under our system, much that is essential to the growth of the political organism takes place in state constitutional conventions, legislatures, courts, commissions, and other agencies. Professor Green's competent study is a welcome addition to the slender body of material dealing with this subject-matter.

The scope of the book is somewhat more limited than its title, or even its sub-title—*A Study in the Evolution of Democracy*—might seem to indicate. It is essentially a study in the formation and reformation of the constitutions of five of the southern states. Nearly all of the space is devoted to the constitutional conventions and their work, together with a consideration of the popular movements which led to the calling of the conventions. The discussion is focussed especially upon the questions of suffrage qualifications and distribution of legislative seats, questions which were usually the storm centers in the constitutional conventions of this period. On the other hand, the interpretation of the state constitutions by the courts and the actual conduct of government agencies receive little or no attention. Within its limits, the book is very well done. The various factors—social, economic, sectional—which appear to have produced constitutional changes receive adequate analysis. It is to be hoped that similar studies for other

groups of states will follow, and also that some of these studies will deal with such problems as the broadening scope of governmental activities and the relative parts played by the legislature, the executive, and the courts in the governments established under the constitutions.

B. F. WRIGHT, JR.

Harvard University.

The Autobiography of Lincoln Steffens. (New York: Harcourt, Brace, and Company. 1931. Two volumes. Pp. xi, 442; viii, 443-884.)

In two generous volumes well-sprinkled with entertaining pictures, Lincoln Steffens gives his impressions of mankind and its works as he has found them in more than sixty years of wandering over the face of the earth. The story opens with his boyhood days in California, the land of his birth. It then swiftly carries him through his student years at Berkeley, where he found that, philosophically speaking, nothing is known, but was inspired to continue his studies in Europe in a quest for light—at Berlin, Heidelberg, Munich, Leipzig, and Paris, always in search of a clue to something. At the age of twenty-six he returned home, he says, a beautiful thing, tailored and educated, dressed outside like an Englishman, and filled up inside with the culture of American and European universities. At that stage, he remarks, "I was happily unaware that I was just a nice, original American boob, about to begin unlearning all my learning and failing at even that."

On his arrival in New York, Mr. Steffens was greeted by a letter from his father enclosing one hundred dollars and telling him to get a job and support himself—and his wife, for he had married an American girl during his hunt for wisdom. Since there were no foundations in those days to supply a research project for an impecunious youth, Mr. Steffens launched out as a reporter on the *Evening Post*. In this employment he came into contact with Wall Street, "bulls and bears," the police, the battered and troublesome poor, Dr. Parkhurst's vice crusade, the gleaming underworld, bosses both political and financial, the Ghetto, Theodore Roosevelt as police commissioner, Schmittberger as an honest cop, crime waves. Old Bill Devery, and Roosevelt as governor. In these crowded and rattling years he found out that if nothing was known, philosophically speaking, a great many men of various morals existed and were busy pursuing curious and checkered careers. That much seemed to be so.

From the daily press, Mr. Steffens was graduated into the magazine

world where he started anew, as managing editor of *McClure's Magazine*, just at the hour when Ida M. Tarbell was raking the Standard Oil Company and Ray Standard Baker was beginning his colorful adventures. Within a few years he had covered the shame of the cities and the subterfuges of citizens. St. Louis, Minneapolis, Pittsburgh, Philadelphia, Chicago, Missouri, Illinois, Wisconsin, Rhode Island, Ohio, Cincinnati, New Jersey, the trust factory, life insurance, timber frauds, San Francisco, Boston, and the McNamara dynamiters came under his scrutiny and were subjected to his analysis. No big men or big events of the period escaped his critical eye.

And out of his inquiries he evolved the astounding conclusion that good people were mainly responsible for the wickedness of the weary world. His thesis may be illustrated by a single allusion. A church warden, of course, would not own and collect rent from a bawdy house (although a great, rich church did actually possess some of the worst slum property in New York), but he would insist that his "investment" in a traction company should be protected against the raids of aldermen bent on squeezing out water by lowering fares. And in safeguarding his "legitimate rights" the warden would tolerate, if not actually support, a corrupt politician capable of guaranteeing that "socialistic" assaults on vested interest would be blocked. In Mr. Steffens' hands, the business of politics became infinitely complicated, and scarcely endurable to the particularly virtuous. With disconcerting and pleasing geniality, he preached his doctrine for more than thirty years.

Not content with exploring the domestic map of politics, Mr. Steffens sought adventures in foreign affairs. He went to Mexico, the land of Carranza and Madero, and on his return powerfully influenced, it seems, the Mexican policy of President Wilson. Thence to Russia. The first time, he interviewed Kerenski and brought back an important message to the president of the United States, one bearing on those mysterious secret treaties. A second time he visited the land of the Muscovite, after the kaleidoscope had turned and Lenin had been placed on the throne—a curious, fierce, quizzical man dressed in old clothes and bent on turning the world upside down.

Students of politics will find in this work new facts and weird illuminations. They will be especially entertained by the author's judgments on the mighty men of old. Roosevelt, Mr. Steffens thinks, was not a reformer in the White House; "he was a careerist on the people's side, but working to wrangle some concessions from the powers that

be and make them do some things for the country at large." Wilson was a truly humane liberal in his own opinion, but deceived himself as to his virtues, and was hard as steel when it came to forgiving and pardoning liberals and radicals who opposed his willful course. Harding was a politician, and rumor had it that he was a sinner, but he would have granted a general amnesty to war prisoners if it had not been for the firm opposition of good men, such as Herbert Hoover and James J. Davis. There was, Mr. Steffens thinks, a certain unostentatious humanity in the sage of Marion, Ohio.

And what is the upshot? Mr. Steffens does not shrink from prophecy. Russia, he holds, is trying to make a land where men and women may earn an honest living but never hope to rise into the realm ruled by "the cunning, grasping possessors of things." The United States is headed in the opposite direction, but likely to meet Russia on the other side of the world. Surely, a strange tale, not easily simplified for proper presentation to a Sunday School class—perhaps not even to a senior college class in the science of statecraft.

CHARLES A. BEARD.

New Milford, Connecticut.

Citizenship. BY CHARLES HARTSHORN MAXSON. (New York: Oxford University Press. 1930. Pp. viii, 483.)

The author of this handy manual on the general subject of citizenship sets forth in his preface his principles of inclusion and exclusion. The book is not an introduction to political science, nor is it a summary of American law designed to make one a better citizen. The student who studies it and the educator who teaches it are under lasting obligation to the author that these things are so, for nothing is so dry and uninteresting as the traditional introduction to politics, or the legal summary of the hortatory variety. *Citizenship* is the volume's subject, and the "status and fundamental rights" of citizens might well be the sub-title. The author has attempted a large and difficult task.

The last part of the preface suggests an opinionated author with a creed to stand upon, or a faith to confess. He states: "The author does not expect the student or reader to agree with him always, for he sometimes is not in agreement with American doctrine, but presents the world doctrine instead. But he believes mightily in law, a growing thing, not static, and in its enforcement. He believes in property and insists upon its protection. He believes in human beings and sees a vision of their progress." While it may be questioned that there are

well-defined "American" and "world" views on questions of citizenship, the difference, if it exists, does not always appear. These beliefs seem to bring the author to grips with contradictory principles. Does the law as a growing thing imply enforcement as long as the law stands, or does it induce disobedience, as Mr. Laski contends? In standing for property and its protection, and for human beings and their progress, is not the author riding two horses which are getting farther apart? And how long could one keep his balance championing both positions? Are human rights and property rights so much the same that one may contend for both as a "belief"? These problems, suggested in the preface, are not solved in the body of the work. A prefatory confession of faith or belief does no harm so long as the author has produced a good book.

This Dr. Maxson has done. He deserves great credit for his effort to shift training in elementary political science from descriptive accounts of governments and from historical political science to the citizen and his rights and duties. We have too long discussed the shell of government and neglected its heart, which is the citizen. Dr. Cleveland has provided a good text on *American Citizenship*. Dr. Maxson's book provides an excellent text on citizenship in general. The two, taken together, may be regarded as a new departure in political science instruction. The defects of the book are obvious, and grow out of the difficulties of the undertaking. The topics chosen seem to be the important and necessary ones. There is not room to say much about any one subject, so large is the range of the book. A table of cases is appended, long enough for a substantial treatise on constitutional law. In a general work, the leading cases which really establish the law would be more acceptable. It is questionable whether the legal principles discussed can be comprehended by beginning students, even when treated in an elementary and simple manner. The author has done much to make them intelligible to the average reader.

CHARLES E. MARTIN.

University of Washington.

Marriage and the Civic Rights of Women. BY SOPHONISBA P. BRECKINRIDGE. Social Service Monographs: Number Thirteen. (Chicago: University of Chicago Press. 1931. Pp. xi, 158.)

The author of this monograph has produced a timely and authoritative study of a complicated question. Miss Breckinridge has confined

the discussion to three important aspects, and in so doing has clarified the approach to the problem. The first topic considered is the attitude of the United States as expressed in the two Cable acts and in certain decisions of the federal courts; the second, the opinions and views on the subject of a number of women in Chicago whose status has been determined by that legislation; and the third, the proposals of the women's organization with reference to the Hague Conference. Under the first topic, Miss Breckinridge has skillfully treated the subject of domicile for married women in its relationship to the general principles of domicile and citizenship. She vitalizes the discussion by applying these principles to concrete issues, thereby emphasizing the necessity of changing the law to meet the needs of married women, especially those relating to the foreign-born wife.

A clear exposition is given of the Cable Act of 1922 and the subsequent steps in the movement to give independent nationality to married women. This proceeded with the revision of the 1922 Cable Act and the enactment into law of the second Cable Act on July 3, 1930. This, says Miss Breckinridge, eliminates "some of the discriminations that surround the original Cable Act;" but she declares that it does nothing to "remedy the situation of foreign-born women marrying American citizens who by the act of marriage forfeit their nationality of origin without acquiring a new nationality. The woman without a country will still exist, as will women with two countries." The situation, Miss Breckinridge avers, calls for international action.

The monograph then proceeds to record the efforts of the International Alliance of Women for Suffrage and Equal Citizenship to secure independent nationality for married women, and further describes the various activities which led finally to the League of Nations conference at The Hague in March, 1930. The American delegation found itself unable to sign any of the articles agreed upon by other nations at this conference, but proposed the following: "The Conference recommends to the study of governments the principle that in their law and practice relating to nationality there shall be no distinction based on sex, with particular consideration of the interests of children involved in the application of that principle."

Part II of the monograph is devoted to the application of the Cable Act to the foreign-born women of Chicago. The results of many individual interviews are recorded, and Miss Breckinridge concludes that "it seems clear that nowhere except possibly among some English

residents is it suggested that prestige is gained by remaining alien. Practically every wife who remains alien does so because she either cannot or thinks that she cannot successfully meet the tests applied by naturalization officials."

FANNIE FERN ANDREWS.

Boston, Massachusetts.

The Foreign Relations of the Federal State. BY HAROLD W. STOKE.
(Baltimore: The Johns Hopkins Press, 1931. Pp. vii, 245.)

With the exception of a few isolated articles, and some general discussions in the texts on federalism, practically no attention has been paid to this problem by students of government. Perhaps it is because its most baffling aspects in relation to the treaty power have arisen acutely only since 1920, with respect to international labor (and other) conventions—though the Bern conventions as to the use of white phosphorous and the night work of women date back to 1906.

After a discussion of the nature of the federal state, the position of member-states, and the control of foreign relations, the author divides the problem into three main sections: the treaty-making power and the territory of the federal state, together with its competence to make international agreements affecting its own powers; the effect upon the treaty power of the reserved powers of the member-states; and the capacity to carry out international obligations by reason of the division of powers between central and state governments.

The author has brought together a good deal of material from scattered sources concerning all the federal states except Austria. Chief reliance is placed, for countries other than the United States, and to a less extent Canada and Australia, upon the relevant constitutional prescriptions. In relation to the reserved powers of member-states—likely to be for a good while to come the most difficult problem, practically and theoretically, in the exercise of the treaty power—the author hardly touches upon the important executive and judicial pronouncements regarding international labor conventions in Canada and Australia. For the United States, the case of *Missouri v. Holland* (252 U.S. 416) is relegated to a footnote (p. 117) and a discussion of a few lines (p. 111) which omits to point out that the lower federal courts had held an identical statute void when passed by Congress under the commerce power. It is brought out, however, that the influence of the member-states upon foreign policy in all the federal states is greatly

enhanced by the existence of these reserved powers. Austria is the only state which has attempted to resolve the problem by constitutional prescription (Art. 16), and it would have been interesting to learn the author's opinion as to the efficacy in theory and practice of the Austrian formula.

In the enforcement of its international obligations, likewise, the federal state finds some difficulties resulting from the form of government. Theoretically, these appear greater in the United States than in any other federal state; the other constitutions provide for federal enforcement of international obligations, either directly or through state administrative and judicial agencies. In the United States, the federal organization, as realized in the national constitution, "admirably avoids international difficulties. When they do occur, [they] are often cleared up, or at least relieved by the amicable exhortations of the central government or by the good-will of the states (p. 151)."

This pioneering venture into an important hinterland of international law and constitutional theory is a welcome contribution to the discussion of a problem which is rapidly becoming one of first-rate practical importance in the drafting and enforcement of a wide variety of international conventions.

PHILLIPS BRADLEY.

Amherst College.

Tacna and Arica: An Account of the Chile-Peru Boundary Dispute and of the Arbitrations by the United States. BY WILLIAM JEFFERSON DENNIS. (New Haven: Yale University Press. 1931. Pp. xviii, 332.)

The author's personal knowledge of Peru, Chile, and Bolivia enables him to make this survey unbiased and readable. Two-thirds of the book is devoted to history before the Coolidge award of 1925. The gradual pushing north by Chile to absorb her neighbors' guano and nitrates, and the backing given her in this by nitrate interests, European and South American, is excellently told. The account of efforts of the United States to end the War of the Pacific throws light on a curiously little-known passage of our diplomatic history.

The dispute since the Treaty of Ancón of 1883 is less carefully related. No account of the negotiations between Chile and Peru from 1893 to 1922 regarding the conditions for the plebiscite to be held under the treaty is attempted.

The author considers that the Treaty of Ancon stipulated a plebiscite in 1894, as Peru contended, and not any time thereafter, as Chile argued, and that the adoption by the Coolidge award of the latter interpretation was disingenuous, and the award too legalistic. He omits to stress, however, the chief cause of the failure of the plebiscite which it required, namely, that it did not remove the Chilean troops and give the plebiscitary commission control over the administration of the area. One would welcome a discussion of whether some degree of "neutralization" was possible under the terms of submission of the dispute to the arbitrator.

The story of the attempted plebiscite, told largely from newspaper files, is readable but incomplete, and contains various inaccuracies. The whole story would require many more pages and a laborious piecing together of the Edwards and Pershing memoranda. Nevertheless, the book gives a good general impression of the atmosphere of violence which caused the plebiscite to be abandoned.

SARAH WAMBAUGH.

Cambridge, Massachusetts.

Gaiko Yoroku [Diplomatic Record]. BY VISCOUNT KIKUJIRO ISHII.
(Tokyo: Iwanami Shoten. 1930. Pp. 526.)

This book has attracted considerable attention, both in Japan and abroad, largely because few Japanese diplomats of Viscount Ishii's standing have written books of this nature. For good or ill, Japan still belongs to the diminishing number of powers whose statesmen deem it indiscreet to write memoirs, and whose diplomatic documents are securely locked up in the vaults of the Foreign Office. Naturally, this volume is not exactly a book of memoirs as the West understands the term, but it gives us something of an inside view of Japan's diplomatic dealings with which the author has directly or indirectly been identified. Viscount Ishii, now privy councillor, made his career entirely in the diplomatic service, having been foreign minister, war-time special envoy to the United States, ambassador to Washington and to the Quai d'Orsay, and for years Japan's representative in the Council of the League of Nations.

The book is divided into two parts. Part I, entitled "General Idea of Japan's Diplomacy," touches upon the high lights in Japan's foreign relations—the Sino-Japanese war and its aftermath, the Anglo-Japanese Alliance, the war with Russia, the World War, Japan's

"special position" in China, the League of Nations, etc. The author's account of the Anglo-Japanese Alliance and his defense of the Ishii-Lansing agreement relative to Manchuria are interesting. Part II is devoted to the author's "Personal Views of Diplomacy," with chapters on "Diplomacy and Propaganda," "The League of Nations and the Alliances," "Diplomacy Old and New," "International Conferences," "The Population Problem," etc. Here and there the book shows a flash of liberalism, but on the whole the interpretation of Japanese diplomacy is conventional and can hardly satisfy the younger Japanese of the liberal school.

K. K. KAWAKAMI.

Washington, D.C.

The Development of Local Government. BY WILLIAM A. ROBSON. (London: George Allen & Unwin, Ltd. 1931. Pp. 362.)

To many American students, the welter of English local government authorities—parish councils, rural and urban district councils, non-county borough councils, county borough councils, and county councils—probably appears even more perplexing than our own chaos of jurisdictions. To Mr. Robson it seems high time that a change was effected. With the aid of several recent parliamentary investigations, he demonstrates conclusively the inability of the present structure to meet modern administrative problems. The essential difficulty is the existence of too many small areas, without population or resources sufficient to cope with problems of land drainage, water supply, public utility services, public health, education, planning, housing, etc. The only way to avoid extreme centralization, and at the same time provide for efficient administration, Mr. Robson believes, is to enlarge the units of local authority. Parish councils, rural and urban district councils, and non-county borough councils should be abolished. County-borough status should be more freely granted, and the administrative counties should be organized on a more logical basis. The guiding principle is that there should be not more than one local jurisdiction in a given area, although some decentralization of administration is thought desirable. Administrative problems transcending the boundaries of individual boroughs and counties could be dealt with by joint committees, acting under the supervision of national authorities.

Although the major portion of the book is devoted to criticism of the structure of local government and suggestions for a complete reor-

ganization, there are interesting chapters on other subjects. A larger measure of home rule for municipal corporations is advocated, through the elimination of the doctrine of *ultra vires*. Studies in the field of public health administration, the civil service, and the local audit bring to light defects in the existing situation and lead to concrete suggestions for reform.

Mr. Robson merits more than the casual praise due the author of an exceptionally good book. This work, following upon his *Justice and Administrative Law*, reveals him as an authority in the field of English administration and as an artist of the highest rank in the field of constructive criticism.

HUGH L. ELSBREE.

Harvard University.

Mastering a Metropolis. BY R. L. DUFFUS. (New York: Harper and Brothers. 1930. Pp. xiii, 301.)

This work is primarily an attempt to restate in brief and popular form the vast accumulation of data and the far-reaching recommendations embodied in the volumes published by the Regional Plan of New York and its Environs. It is, however, considerably more than a cool and dispassionate summary of the scientific conclusions of the reports in question. It is distinctly an attempt to "sell" the plan to the inhabitants of the New York region. The early part of the book is occupied with the general principles of city planning and the background of the New York situation as a foundation for the more specific recommendations of the later chapters. The style is easy, the exposition clear. There is no attempt to make any original contribution. The general parts of the book contain nothing that is not already commonplace to most of the readers of the *Review*, and for any thorough appreciation of the recommendations of the Regional Plan of New York and its Environs, one must go to the publications of that body and the maps which accompany them. Mr. Duffus has, however, done his job well. He has presented an entertaining book which the lay reader can consume without a headache. It will make acceptable supplementary reading for high school seniors and college freshmen.

There is one quality about Mr. Duffus's work which is not characteristic of the factual reports and scientific recommendations of the professional staff of the Regional Plan of New York and its Environs. Their cold-blooded estimates of the probable growth of New York become in Mr. Duffus's propagandist hands almost boastful assumptions

of her future greatness. A non-New Yorker cannot read some of his chapters without wondering whether the great need of the future is not going to be some national planning movement which will prevent the swelling of New York to such vast proportions (twenty millions in the region by 1965) by diverting some of the commerce of the interior to other Atlantic seaports. The United States as a whole cannot afford to become a mere hinterland for one excessively great city. Some of its prospective trade, industry, and population might well be more economically disposed at other points.

THOMAS H. REED.

University of Michigan.

America's Way Out. BY NORMAN THOMAS. (New York: The Macmillan Company. 1931. Pp. 315.)

Questions of the Day. BY JOHN A. RYAN. (Boston: The Stratford Company. 1931. Pp. 331.)

"One of the oldest and perhaps the noblest of human aspirations has been the abolition of poverty," said Mr. Hoover in his speech of acceptance. "We in America today are nearer to the final triumph over poverty than ever before in the history of any land." Less than two years after these noble words were penned, we found ourselves in the midst of one of the worst economic depressions in our history—with hunger, privation, and despair running rampant in a land which in 1928 seemed flowing with milk and honey, a land where leaders confidently predicted that all could be rich, and where, in Mr. Hoover's words, "the poor-house is vanishing from among us."

We are confronted with an alarming paradox. Millions are hungry, because our warehouses and granaries are bursting with food; cold and homeless, because our machines have made too much cloth and building material. This, in spite of the fact that there is now, as Mr. Thomas insists, "no longer any external excuse for poverty."

Is there a way out? Can we stand the strain of a mechanical civilization, or must we destroy this Frankenstein—the machine—before it engulfs us in universal disaster? Unlike William Morris and other Utopians, Mr. Thomas would not revert to a medieval policy. "Even so rabid a medievalist as Ralph Adams Cram," he says, "would like to take modern sanitation into his walled towns. . . ." Our present predicament is "not the fault of the machine so much as our use of it."

Mr. Thomas looks to the future, not to the past. Socialism offers a solution because it, more than any other proposal, provides us with "a

philosophy, a program, and an organization equal to the task. . . . The corner-stone of that philosophy is the absolute necessity of planned control of the resources and machinery of the world in the common interest if we are to avoid disaster, to say nothing of achieving plenty, peace, and freedom." Plan—plan or perish—is the thesis of Mr. Thomas' book. We no longer dare to drift; the time to assert mastery has come.

Those who continue to speak in the eighteenth-century language of rugged individualism fail to see the handwriting on the wall. "When we went in for machinery we went in for collectivism, and that on a world-wide scale." Today the individual is helpless in the face of the monster that he has conjured from the inventor's flask. He is dependent on persons he does not know and forces he cannot see.

The time is overripe for positive state action in achieving the good life. "The state," says Mr. Thomas, "is valuable not as a mysterious sovereignty but as a useful organization for serving the collective interests of men." Our government must be revamped so that it will cease to be what Chief Justice Hughes described in 1928 as "the most successful contrivance the world has ever known for preventing things from being done."

Mr. Thomas rejects communism of the Russian variety. He is not indifferent to the Bolshevik achievements, and is mildly enthusiastic concerning the Five Year Plan. But the militaristic psychology—the denial of liberty—and the religious fanaticism of the professional communist he finds distasteful. Likewise, he rejects the new capitalism, on the ground that we cannot plan socially for an economic order that is privately owned. Nor can we effectively achieve economic democracy under an industrial dictatorship, however benevolent it may be. At heart, Mr. Thomas remains a social democrat of the left.

Dr. Ryan's book is a collection of essays on some insistent problems of the day. Many of the discussions have appeared elsewhere, and are no doubt familiar to the readers of this *Review*. The essays deal with prohibition, Catholics and politics and economic questions, in addition to some miscellaneous articles on Catholicism and liberalism, birth control, evolution, and Mr. Hoover. To those unfamiliar with the philosophy of Catholic liberals, this book is unreservedly commended. Dr. Ryan's pen is a competent servant to a keen, kindly, and fertile mind.

PETER H. ODEGARD.

Ohio State University.

The American Government of Today. BY WILLIAM STARR MYERS. (New York and London: Harper & Brothers, 1931. Pp. viii, 556.)

In the space of 556 closely packed pages, the author of *The Republican Party* and *American Democracy Today* surveys for us the entire field of American government—national, state, and local. For the most part, the organization is along conventional lines; but the permanent detached departments of the national government are given special consideration, and in a final chapter Professor Myers ventures some criticisms and suggestions for the future. On the whole, the emphasis is upon the political rather than the administrative aspects of government, and upon the way the machine works rather than the functions it performs.

At times, the author has condensed factual material to such a point that unfortunate implications are likely to be drawn. The description of the federal corrupt practices act of 1925 (p. 91) leaves the impression that a candidate for United States senator may spend \$10,000 *plus* an amount equal to three cents for each vote cast at the last general election for that office, and makes no mention of the important exceptions to the limitations fixed. Again (pp. 357-358), the author implies that permanent registration of voters has been discredited and discarded in the United States today.

In his preface, Professor Myers disclaims any desire to set forth original theories of government or to further any propaganda. He does not, however, avoid statements of opinion on controversial questions to which some of his readers will take exception. Is it quite fair to state that "the Constitution in reality can be amended with adequate ease and with the speed necessary for real public needs" (p. 39); or that "President McKinley, forced by congressional action, was compelled to enter upon the Spanish-American War in 1898" (pp. 277-278)? Many will feel, too, that the author's discussion of the position of the Supreme Court in our scheme of government avoids the real issue (pp. 262-267). Present-day criticism of the Court is directed at the conservative rather than the partisan bias of the judges.

Throughout this volume the author keeps constantly before him the goal of picturing our political institutions as they are. In carrying out this aim he uses many fresh illustrations. For example, there is a description of "Housekeeping at the White House" (pp. 110-111); Maclay's amusing account of a very dull dinner given by President Washington (pp. 132-133); and some excellent material on the relation

of the president to the press and to the public (pp. 137-139). Teachers and students of American government owe Professor Myers a debt of gratitude for this illuminating material.

LOUISE OVERACKER.

Wellesley College.

The Case of Frank L. Smith; A Study in Representative Government.

BY CARROLL HILL WOODY. (Chicago: The University of Chicago Press, 1931. Pp. x, 393.)

Professor Woody has given us a really brilliant and realistic analysis "of the business of politics as it is actually conducted in a representative American commonwealth." The study goes much farther than its title indicates, for the person of Frank L. Smith is swallowed up in the broader, deeper, more fundamental analysis of party life in Illinois during the past thirty-five years.

The author did yeoman service in elucidating the maze of Chicago politics in his *Chicago Primary of 1926*, but he has now made an even more significant contribution to the study of representative government. In many ways, *The Case of Frank L. Smith* is better than Frank Kent's much-used *Great Game of Politics*. It is as well written, it is far more thorough and painstaking, and it gives one as realistic a picture of political life. Dr. Woody, in achieving this goal, has presented the career of Frank L. Smith "as a case history of a political personality whose experiences involved many, if not all, of the problems and procedures essential to the achievement of representative government in an American commonwealth." Inasmuch as the career of this man included an incident of great national interest and importance, the book presents us with a very clear and useful review of the Smith case before the United States Senate, and all the collateral issues. Included also are splendid brief biographies of some of the bigwigs of Illinois politics: Lorimer, Small, Lundin, and Deneen. These "associates" of Smith are deftly carried along through the whole picture and serve to make it more interesting.

The analysis of the Smith campaign of 1926 is a good instance of careful interpretation, and Appendix V, which is a statistical study of Illinois elections *a la* Chicago, is a useful application of the quantitative method to data which were susceptible of such treatment.

Inasmuch as the basic difficulty between Smith and the Senate concerned the collection and use of money, these matters are treated ex-

haustively. Furthermore, Dr. Wooddy's discussion of campaign funds and their regulation, arising out of this Illinois experience, is sound and very much to the point. The book is effectively illustrated with a collection of newspaper cartoons, and the verdict of the country on the Smith case is well summarized in a chapter which presents the editorial opinion of the nation's important newspapers.

JAMES K. POLLOCK.

University of Michigan.

Encyclopædia of the Social Sciences. BY EDWIN R. A. SELIGMAN, Editor-in-Chief, ALVIN JOHNSON, Associate Editor, and others. Volumes I-III. (The Macmillan Company. 1930. Pp. xxvii, 646; xxvi, 696; xxi, 681.)

The first three volumes of *The Encyclopædia of the Social Sciences* furnish a sufficiently large sample to indicate the scope and quality of a most ambitious and worth-while undertaking. The aim of this review is to note the general plan of the work and the nature of the contents of the early volumes; a later review, to be written after the series has been completed, will survey and evaluate the work as a whole.

The idea of a publication which would coördinate the social sciences, had its beginning in 1923 when Dr. Alexander Goldenweiser and Dr. Howard B. Woolston, of the American Sociological Society, obtained the adoption of a resolution by that organization favoring such a project. In 1924, six other learned societies in the field of the social sciences became interested, a joint committee representing the various societies was appointed, with Professors W. B. Munro and John H. Logan as representatives of the American Political Science Association, and eventually an executive committee was established under the chairmanship of Dr. Edwin R. A. Seligman to work out the details of a "comprehensive and unifying publication." After careful consideration, it was decided to carry out the ideas of the joint committee by preparing an encyclopædia. Dr. Seligman became editor-in-chief, and in 1927 the work was started with the following ten constituent societies as sponsors: American Anthropological Association; American Association of Social Workers; American Economic Association; American Historical Association; American Political Science Association; American Psychological Association; American Sociological Society; American Statistical Association; Association of American Law Schools; National Education Association.

In the preparation of the *Encyclopædia*, Dr. Seligman has been aided by Professor Alvin Johnson as associate editor and Max Lerner as managing editor, by a group of seven assistant editors, and by seventeen advisory editors from America and eleven from foreign countries. The American advisory editors represent the various social sciences, and include Alfred L. Kroebe for the field of anthropology; Edwin F. Gay, Jacob H. Hollander, and Edwin G. Nourse in economics; Paul Monroe in education; Sidney B. Fay and Arthur M. Schlesinger in history; Roscoe Pound in law; John Dewey in philosophy; Charles A. Beard and Frank J. Goodnow in political science; Floyd H. Allport in psychology; Porter R. Lee in social work; William F. Ogburn and W. I. Thomas in sociology; and Irving Fisher and Walter F. Willcox in statistics. The foreign advisory editors have been chosen to represent various countries rather than fields, and include for England, Ernest Barker, John Maynard Keynes, Sir Josiah Stamp, R. H. Tawney; for France, Charles Rist, F. Simiand; for Germany, Carl Brinkmann, H. Schumacher; for Italy, Luigi Einaudi, Augusto Graziani; and for Switzerland, W. E. Rappard. A careful study of the list of distinguished editors is sufficient to indicate the high quality of the undertaking, an opinion which is strengthened by a perusal of the list of editorial consultants and contributors which contains the names of practically all of the leading authorities in the social sciences.

The *Encyclopædia* attempts to include all of the important topics in the purely social sciences, such as politics, economics, law, anthropology, sociology, penology, and social work. "History is represented only to the extent that historical episodes or methods are of especial importance to the student of society." As explained by the editor-in-chief, the work obviously cannot "go so much into detail as would be possible for a series of works dealing with each separate science. Intensive treatment of this kind would be inappropriate, because the real object of the *Encyclopædia* is not so much to exhaust each particular subject as to bring out in the respective topics the relations of each science to all of the other relevant disciplines." In the case of "the semi-social sciences—ethics, education, philosophy, and psychology—it becomes necessary to select those topics of which the social aspects are acquiring increasing significance. This is still more true of what we have called the sciences with social implications, like biology and geography on the one hand, and medicine, philology, and art on the other. It is, how-

ever, precisely the social aspects of these sciences which have come to the front in recent years, and which it is especially important to emphasize. The proper treatment of the more or less outlying fields which have never yet been comprised under the head of social sciences, but which it now becomes necessary, or at all events desirable, to include, is one of the most difficult questions that has confronted the editors. Moreover, the requirements of a work which seeks to coördinate the various social sciences and to indicate their relations to the general movement of thought involve the inclusion of many topics not usually treated in the special encyclopædias." In fact, the underlying aim of the *Encyclopædia* is to break down the barriers between the different social sciences and to provide a synthesis of the various fields.

In order to give greater unity to the material, the first volume contains an Introduction of 350 pages, divided into two parts. The first part includes an excellent article on the meaning of the social sciences, by Professor Seligman, and a detailed history of their development according to periods, the aim of which is to explain "the filiation of the social sciences and their contemporaneous relationship, as well as their dependence on the institutional and general intellectual situation" of each period. "Greek Culture and Thought" is covered by W. L. Westermann; "The Roman World," by Tenney Frank; "The Universal Church," by Bede Jarrett; "The Growth of Autonomy," by E. F. Jacob; "Renaissance and Reformation," by F. J. C. Hearnshaw; "The Rise of Liberalism," by Harold J. Laski; "The Revolutions," by Crane Brinton; "Individualism and Capitalism," by Charles A. Beard; "Nationalism," by Carl Brinkmann; "The Trend to Internationalism," by R. M. MacIver; and "War and Reorientation," by the editorial staff.

A brief analysis of the last-mentioned article will serve to illustrate more clearly the nature of the material presented in the initial part of the Introduction. First, the institutional and intellectual background of the war years and of the post-war period is discussed, with special reference to its influence on new trends of thought, concepts, and relationships in the social sciences. The editors explain how the war, which at the outset disorganized or weakened creative thinking and abstract ideas, was followed by a short outburst of idealism or optimism, and then, as the reaction set in, by a period in which emphasis was placed on actualities and pragmatism. All of this helped to break down the boundaries between the social sciences, and led to new meth-

ods of research, interpretation, and integration. Next follows a section on psychology, which is introduced by the statement that "the social sciences were probably more profoundly affected by the development and diffusion of psychological doctrine than by any other single influence which touched them. . . . No scheme of social reform could be launched without close survey from the 'psychological approach.' " Then come sections on new developments in geography, anthropology, economics, political science, law, and history. The article concludes with a section on the interrelation of the social sciences in which integration is stressed as the dominant trend. "The divisions between the sciences," write the editors, "while retaining their significance as designations of the distinctive interest and approach of each, became irrelevant as actual working rules. If a problem was to be analyzed or an institution studied, its ramifications into every phase of activity defeated the boundaries of the sciences."

The second division of the Introduction contains "an account of the social sciences as disciplines, in their historical development throughout the world." There are articles on the social sciences as fields of study in Great Britain, by E. M. Burns; France, Belgium, and Rumania, by Henri Lévy-Bruhl; Germany, by Edgar Salin; Austria and Hungary, by Theo. Surányi-Unger; Italy to the End of the World War, by Augusto Graziani; Italy under Fascism, by Herbert W. Schneider; Imperial Russia, by Peter Struve; Soviet Russia, by M. Pokrovsky; Scandinavia, by Bertil Ohlin; Spain and Portugal, by Ferdinando de los Rios; Latin America, by L. L. Bernard; Japan, by Teizo Toda; the United States, by L. L. Bernard. These articles discuss the development of the social sciences in the universities, the establishment of learned societies and journals, the outstanding authorities, and the important books in the various fields.

The Introduction as a whole constitutes a very satisfying and interesting history of the social sciences and of their intellectual and institutional background. It would be highly desirable if this portion of the work could be published separately, provided such a plan would not interfere with the success of the larger undertaking. The value of such a volume for courses in the history of political thought is evident.

The remainder of the first three volumes of the *Encyclopædia* is devoted to articles on subjects from "Aaronson" to "Commentators," varying in length from a few paragraphs to articles of ten or twenty thousand words, and written by well-known authorities in their respec-

nificant Federal Legislation;" James Hart, on "The President and his Policies," and "National Statesmen;" Lloyd M. Short, on "Federal Administrative Commissions;" Howard L. McBain, on "The Supreme Court and Constitutional Law;" T. N. Hoover, on "The Elections of 1930;" Denys P. Myers, on "United States Treaties;" Irving Fisher, on "The Prohibition Controversy;" John M. Mathews, on "The United States and World Affairs," "The London Naval Conference," "National and Interstate Relations," "State Legislatures and Legislation," "State Executives and Departments," and "State Administration and Judiciary;" Frederic H. Guild, on "State Constitutions, Referenda, and Initiatives;" Graham H. Stuart, on "Latin-American Relations;" A. H. Lybyer, on "Oriental and Near Eastern Relations;" Milton Conover, on "Personnel of Congress and of the Administration;" Clinton Rogers Woodruff, on "Federal Civil Service," "City Politics," "Types of Municipal Government," etc.; Charles W. Eliot, 2nd, on "Metropolitan and Regional Planning;" O. C. Eormell, on "County and Rural Government;" and A. E. Buck, on "The National Budget." The remainder of the volume, dealing with topics of every possible description arranged under the headings of economics and business, social conditions and aims, science and humanities, contains information which, although not primarily concerned with government, is often closely related thereto. This is a reference work which should be accessible to every teacher and student of American government.

In *Federal Financing; A Study of the Methods Employed by the Treasury in its Borrowing Operations*, by Robert A. Love (Columbia University Press, pp. 240), the technical features of Treasury borrowing are traced through their various appearances in American history. Since it is devoted to these technicalities, the book lacks the journalistic interest of Noyes, the encyclopædic character of Bolles, the compact details of Dewey, and the penetrating qualities of Kinley. The style is dull, as befits technicalities, and few new facts are produced. Yet, by collecting and concluding from not easily noticeable details, Dr. Love has advanced a thesis which makes a real impact on the student's mind. It is that the Treasury has hurt itself by failing to borrow on a business basis. Political considerations have made a low rate of interest desirable. To market securities at low rates, allurements of tax exemption, convertibility, receivability and redemption, and the currency value of securities have been used to entice investors. In many cases, notably a convertible stock issue of 1814, the government has paid dearly for this policy. More statistical proof, if obtainable, would

be valuable, but the point is almost driven home with keen discussion of many loans. *Federal Financing* is a first-class study in public finance and an interesting review of administrative policy.—C. S. B.

Rights of Aliens Under the Federal Constitution (Capital City Press, Montpelier, Vt., pp. 153), by Norman Alexander, is a doctoral dissertation presented at Columbia University. In four chapters, the author considers the scope of federal power over aliens, the constitutional rights of aliens in exclusion and expulsion proceedings, the civil rights of aliens which are protected by the federal constitution, and the due process secured to aliens by that instrument. The study has been well executed, is satisfactorily documented, and was worth the labor expended on it. In the matter of due process, Mr. Alexander stresses the well-known difficulties arising from the fact that the national government often finds itself charged with responsibility but lacking in power; and he sees "no immediate hope that this situation will be righted."

United States Government Publications (pp. 329), written by Anne Morris Boyd and published by the H. W. Wilson Company, though prepared primarily for the assistance of librarians in handling government documents, serves at the same time as a very useful source of information for the student using publications of the federal government. The arrangement, the indexes, and the distribution of these documents are explained, and then the particular publications of the various branches of the government are described. The work is systematically arranged and provides an admirable reference book.

Another echo of Frederick J. Turner's frontier theory is heard in *The Birth of the American People*, by James Morgan, published by the Macmillan Company (pp. xi, 335). The American people, the author states, were born in a log cabin and cradled in the covered wagon. "Scratch an American ever today and you will find a frontiersman." It is hazarded that if one were to scratch the author of this book a narrator of bed-time stories might be discovered. The present work, written in a rather startling colloquial manner, describes with embellishments the period from the discovery of America to the defeat of Cornwallis.

FOREIGN AND COMPARATIVE GOVERNMENT

It is impossible within the scope of a brief review to give a full appraisal of the following books on India. E. Thompson's *Reconstructing India* (The Dial Press, pp. 396) is an unbiased historical and po-

litical account of the Indian problem. Although contributing nothing distinctly new, it is a reliable and comprehensive survey for the general reader, even though one might differ from some of the conclusions. [E.g., refreshing though it is in this latest phase of hero-worship, his evidence of Gandhi's "one moral flaw," i.e., "love of power" (p. 143), is by no means convincing]. H. T. Muzumdar's pamphlet, *India's Non-Violent Revolution* (India Today and Tomorrow Series, No. 1, pp. 63), can be dealt with summarily; it is a straightforward piece of nationalist propaganda which, as such, gives interesting information on the latest stages of Gandhi's campaign, told by one of his loyal followers with a great amount of moral pathos, and therefore probably serving its purpose with a certain public. From the point of view of political science, the following studies should be taken much more seriously. All of them serve directly and indirectly to clarify the constitutional issues for a new federal India. After a fashion, the political aim of adjusting the conflicting interests of the component parts (and more especially that of the states) and the federated whole of the future body-politic is their common denominator. *Problems of Indian States* (Aryabhusham Press, Poona City, pp. 177), by A. B. Latthe, diwan (chief minister) in one of the states, is to be particularly commended for its candid and courageous handling of a rather delicate matter. Unfortunately, the author's stimulating comments on the classification of the states (one of the most difficult questions, in view of the problem of representation in federal bodies), on the implications of federation, and also on the controversy over relations between states and crown cannot be discussed here. In a treatise by Colonel K. N. Haksar and K. M. Panikkar, *Federal India* (Martin Hopkinson, London, pp. 211), the authors, both of whom have been intimately connected with Indian states' affairs,² set out to discuss "the organic union of the sovereign states of India with the British Indian government." This is largely a comparative study of foreign constitutional devices for the adjustment of centrifugal and centripetal forces in a federal polity. Although the validity of the comparisons sometimes appears slightly doubtful to the reviewer (cf. p. 56 ff on Imperial Germany), their conclusions (p. 144 ff) deserve attention, as they probably reveal, to a certain extent, official hopes and fears en-

² It is well to remember Mr. Panikkar's earlier writings: *Indian States and the Government of India* (1927); *The Working of Dyarchy in India* (pen name, Kerala Putra) (1928); *The Evolution of British Policy towards the States* (Calcutta, 1929).

tertaincd in the states. Even so, political postulates should not be presented in the guise of constitutional maxims which are, to say the least, doubtful, such as the authors' statement that one of the "essential conditions of federalism" is "that the central authority should have authority only in those matters which are expressly placed within its control" (p. 146). It may be added that the traditional attribution of some kind of sovereignty to the component parts of the federation will not help to diminish potential friction. Despite such minor criticism, the book doubtless will be a stimulus to constructive thought. *The Indian States; Their Status, Rights and Obligations* (Sweet and Maxwell, London, pp. 234), by Mr. D. K. Sen, who is connected with the "foreign ministry" of Patiala, of which Professor L. F. Rushbrook Williams used to be the head, is a scholarly inquiry into "the exact juristic character of the Indian states, and their rights and obligations vis-a-vis the Crown." Notwithstanding a few quarrels this reviewer would like to settle with the author, he is convinced that this is a very thorough statement of the case for the princes which no student of Indian affairs will be able to pass by in the future. In particular, the author's demonstration of the variety of legal status prevailing among the states (thus proving the need of reclassification) is highly commendable. This is another able piece of evidence that this status is by no means of an uncontroversial nature at the present—which goes to show that the future demands less juristic analysis than constructive statesmanship.—W. H. K.

The Macmillan Company has published a good translation of Eugen Diesel's admirable book, *Die Deutsche Wendeung*, under the somewhat inane title *Germany and the Germans*. The son of the famous engineer has given in the form of most readable, and often witty, essays a panorama of Germany which is fascinating even for a German. To anyone who believes that the study of political institutions depends for a realistic appreciation of its limitations upon a full recognition of the deviating geographical, ethnological, social, and cultural factors, Diesel's essay will prove a most valuable guide when dealing with Germany. While the riddle of German "national character" is not solved in these pages, its constituent elements are shown with sufficient clarity to indicate the general trend. In Books I-III, entitled "The Country," "The Towns," and "The People," respectively, Diesel explores these fields. In his book on the people, he gives succinct characterizations of what the translator has rendered as races (*Stämme*) of

Germany, the Swabians, Bavarians, Lower Saxons, Franks, and Eastern Germans. The expression "tribes" would have been perhaps even more suggestive, as well as more accurate in treating the singularly distinct subdivisions of the German people. In the last two parts on "Work," "Education and Religion," and "The New Germany," there are chapters on the civil service, the political parties, the *Vereine* (associations), and the churches, as well as on the new German youth, which will interest students of political institutions, even though they do not deal to any extent with structural detail, but rather with the so-called spirit that pervades them. The book ends in a note of high-flown, if somewhat vague, idealism, which contrasts curiously with the rich and realistic detail of the rest. "Certainly there are many indications that a new German type is coming into being, a type which is working for the spiritual unity of the German race. . . . Before this new spirit can achieve greatness, it must await the aristocracy of the future . . . and are there not already signs of such a race, a type without the military stiffness and dry pedantry of the past, a type which has won free of the trammels of mechanization and specialization, which is able to appreciate human values at their true worth?" These sentences are a striking expression of the undeveloped mystery of German "national character." Only the future can show whether such a collective character can still unfold itself within the boundaries of a national being, or whether it is already too late for such a development.—C. J. F.

France Under the Bourbon Restoration, by Frederick B. Artz (pp. xii, 444), which the Harvard University Press has just published, fills a need which has been keenly felt by all students of nineteenth-century France. No comprehensive modern treatment of this important period in recent French history existed from which an insight might be derived concerning the various currents of thought and action in the period during which the bases of French parliamentary government were forged out of the inadequate materials of the Charter of 1814. To be sure, Barthélemy's admirable study gave a masterly analysis of the purely political and constitutional aspects of this development, but for the person not familiar with the *milieu* and the *mis-en-scène* of that period, such a limited analysis must necessarily remain somewhat unconvincing. It is exactly this knowledge of the *milieu* and the *mis-en-scène* which the present author succeeds in creating for the reader. The five chapters on "The Beginnings of a Modern Parliamentary Government in France," "The Clerical Question," "The Rise of a

New Economic Order," "The State of Society," and "The Romantic Revolt" bristle with detailed descriptive material, as well as with pointed evaluations of trends, which are suggestive even where one might disagree with the author's opinion. In the first chapter, which is particularly important to political scientists, the following minor errors and misstatements may be noted. In view of the constitutional order prevailing in Switzerland, the German city states, and kingdom of Württemberg, it cannot be admitted that "the Charter was the most liberal instrument of government that existed anywhere on the continent" (p. 41). The generalization that "inertia and timidity" are "the habitual faults of all moderates" (p. 56) seems rather questionable. The analysis of the representative nature of the French parliament in this period (p. 81) is written without sufficient knowledge of the considerable progress which has been made in recent years in the analysis of representation and public opinion by political scientists. No reference is found at all in this chapter to the importance of the Charter of 1814 as a model for other European states. The critique of the charter in terms of the 'contradictions' which it presumably contains (pp. 39 ff) is too abstractly logical, and fails to take account of the fact that effective, though dilatory, compromises by contradictory formulae are incident to all successful constitution-making. For example, the provision which empowered the king to make "ordinances for the execution of the laws" is pointed to as contradicting the notion that the chambers are the law-making body. If that is a contradiction, then contradictions are the essence of a constitution! But Professor Artz is not a political scientist; he is a historian. And from the point of view of the major focus of his discussion, flaws like these are of minor importance. Taken as a whole, as a panorama of France under the Bourbon Restoration, the book is wholly admirable. Its value is increased by an excellent critically selected bibliography.—C. J. F.

The compelling search for the true path to the heart of Soviet economic mysteries, which lures an increasing host of literary explorers, recalls to mind the historical fact that Columbus discovered America while seeking a new passage to India. It might well be that some one writer, by his very originality of approach to Soviet problems, will discover a new continent of ideas of immense value to the wondering world. As the search goes on, however, it becomes increasingly apparent that writers on Soviet affairs achieve originality only by rearrangement of the known facts so as to reveal previously unconsidered relation-

ships and a new synthesis. Thus Ethan T. Colton, in *The X Y Z of Communism* (Macmillan Company pp. xiv, 423), presents the Soviet problem as a mathematical equation. At the head of each chapter the author poses one of the important premises, class war, dictatorship of the proletariat, utter incompatibility of communism and religion, etc., and then proceeds to analyze factually the results obtained in thirteen years. The theories expounded in *The A B C of Communism*, written by Bukharin and Preobrazhensky in 1919, are posed against the revealed consequences of application; the system is tested against itself. This formula has the merit of being more original and logical than most. Mr. Colton's book is a compendium, drawn largely from official sources, which should have considerable value to the student. Particularly interesting are the chapters on religion, the Red Empire, and the world revolution. The author does not hesitate to summarize the work of the G.P.U. (secret police), and to expose the methods of the Comintern in promoting revolution abroad. While not offering new material, he has managed to crowd a great amount of properly coördinated information into a small space. The remarkable success of *These Russians*, by William C. White (Charles Scribner's Sons, pp. 376), is proof that ultimate interest must be focused, not on the Soviet system as a possible solution for economic ills, but on the human specimens in the laboratory. The author's seventeen character types reveal, in their own words, what the revolution means to them in food, clothing, shelter, and work—eloquent terms understood by the whole world. Mr. White rescues man from under the pile of collective institutions, and shows him suffering or rejoicing as an individual, despite the Communist class dogma. By emphasizing this perspective, and making man the center of reference, he performs a real service.—B. C. H.

The political genius of a people is reflected in the institutions of local government as well as in imperial organization and administration. *Russian Local Government During the War and the Union of Zemstvos*, by Tikhon J. Polner in collaboration with Prince Vladimir Oblensky and Sergius P. Turin, with an Introduction by Prince George E. Lvov (a volume of the *Economic and Social History of the World War, Russian Series*; Yale University Press, pp. xv., 317), traces the development of non-urban institutions of local government in Russia from 1851 and the reform of 1864 through the crises and devastating destruction of the World War and the Russian Revolution to the end of zemstvo institutions in 1919. It is an epic tale, a record of political experimentation projected on a scale of such magnitude as to challenge

the imagination of all students of political phenomena. The evolution of the zemstvos prior to the World War epitomizes the long struggle of the Russian people for self-government and gives assurance as to the ultimate character of Russian political institutions. Yet it is evident that these institutions of local government were still so involved in the fabric of Russian autocracy, and were still so tender, that they could not survive the impact of the war and the revolution. It is common knowledge among those who were in Russia during the war that, but for the supporting activities of the zemstvos in hospitalization, care of families of mobilized men and of refugees, assistance to agriculture, army supply and welfare, industrial organization and activity, Russia would have been out of the war long before she was. Under the forced draught of its war responsibilities, the zemstvos had become so vital to the war program of the Russian state that by July, 1915, it had become a veritable state within a state. In conjunction with the representatives of commerce and industry, the Union of Zemstvos undertook to repair the deficiencies in the technical equipment of the Russian armies. But the exhaustion begotten by war, defeat, and revolution outran the amazing energy and resourcefulness of the zemstvos, and their dissolution was completed by the soviet authorities. Even so, no student of Russia can ignore the potentialities for state-building which are revealed in the Russian character during the zemstvos' experience. To bring together the material in this book from sources outside of Russia and to interpret it with the detachment which this work exhibits has obviously involved careful and patient labor and scholarship of high order.—R. M. S.

It has been said that only three Frenchmen have understood England—two Protestants and a Jew. Professor André Siegfried is one of the Protestants, and he has an amazing knowledge of some sides of English life, as previous works have shown. His latest study, *England's Crisis* (Harcourt, Brace and Co., pp. 317), is, however, much below his own high standard. It appears to have been written in some haste for a wider public, and contains a number of general statements which are more sensational than accurate. As regards the economic aspect of the crisis, Professor Siegfried emphasizes the well-known facts of the decline of the heavy industries, but there is no very deep analysis of causes. The author seems to endorse the very questionable assumption that only a lower standard of living for British workmen can enable British manufactures to regain their old position in the world. For this

reason, the book has been well received in certain circles in Britain. Professor Siegfried is proud of the work of reconstruction in France and exaggerates the energy and culture of French industrialists at the expense of their English competitors. There is, of course, much sound argument in the book; but the whole picture is too sensational and highly colored to carry conviction. On political topics, the book is even more superficial.—C. K. W.

A new and revised edition of Professor William B. Munro's *The Governments of Europe* (pp. xi, 841) has been issued by the Macmillan Company. Many slight changes have been made throughout in order to bring the text up to date. The chapters on Russia and on Italy have been rewritten, and much new material has been added. Interesting revisions have been made in the discussion of Germany, and a new chapter is included on the "government at work." "The League of Nations as a Scheme of Government" marks another excellent addition, and serves as the concluding chapter. Professor Munro has likewise published a third edition of *The Government of the United States* (The Macmillan Company, pp. ix, 795). The author states that "some new chapters have been added; the arrangement of the subject-matter has been changed; the emphasis has been somewhat shifted in keeping with the political developments of the past five years; and new bibliographical references have been provided. About the only thing that has not undergone a change is my conception of what a textbook ought to be." The most striking single changes are the new introductory and concluding portions which deal respectively with "The Study of Government" and "The American Philosophy of Government."—E. P. H.

Of the several books that have appeared on the subject, the recent volume by Edouard Herriot on *The United States of Europe* (pp. 330) is perhaps the best. It is published by the Viking Press. While the book is a plea for European coöperation, its tone is expository and analytic. The author takes the view that such a union is rendered necessary "by the laws of economic evolution, by industrial amalgamations, and by the necessity of defending the European market." He advocates a flexible union of the nations on absolutely equal terms and within the framework of the League. The proposal is considered with reference to its numerous implications—historical, political, economic, and cultural. M. Herriot's experience in French politics and business lend his words authority, and his restraint and sense of proportion in presenting his case make for a sympathetic reading of the volume.

Martin MacLaughlin, who has been a visiting professor from England at Rollins College during the past year, has written an interesting small book on *Newest Europe* (Longmans, Green and Co., pp. vii, 214), which explains for the general reader the chief political movements of the new and reconstructed states of modern Europe, with special emphasis on Germany, Italy, Russia, Poland, Central Europe, and the Baltic states. England, Sweden, Holland, and Portugal are omitted, and France is treated very briefly. The book is written in a readable style, is free from personal bias or propaganda so evident in many books on similar subjects, and is more optimistic than most writings on post-war Europe. The book should make interesting summer reading for the busy person who wishes a review of recent developments in Europe.

Schemes for the Federation of the British Empire, by Seymour Ching-Yuan Cheng (Columbia University Press, pp. 313), is an attempt to bring together under one cover all the proposals for imperial federation that have been made since 1850. The greater part of the book is devoted to an objective detailed analysis, classification, and comparison of these different schemes. In a concluding chapter, the author suggests that the essential imperial problems are those of control of foreign policy, the working out of a system of defense, and the attainment of true equality of status for the Dominions. The solution of these problems, however, according to Dr. Cheng, is to be found, not in federation, which he declares to be an impossibility, but in a further development of the present consultative mechanisms and in recognition of the independent right of neutrality for the Dominions.—R. E.

Professor Edward P. Cheyney first presented *Modern English Reform* in a course of Lowell Lectures. The volume is now published by the University of Pennsylvania Press (pp. vii, 223). Conditions in England of 1800 are depicted as a background for an account of the early reformers and their methods. The removal of legislative restrictions characterized the first part of the century, and thus cleared the way for more constructive measures. Along with this progression, the author traces the rise of the working classes to political prominence and outlines the development of British socialism. The material is handled with penetration and charm. The real genesis of reform legislation is made clear, and the social forces at work are linked up with their political effects.—E. P. H.

Of the many recent books on Russia, the little volume by M. Ilin entitled *New Russia's Primer* (Houghton Mifflin Co., pp. xiii, 162) stands out as one of peculiar fascination. This story of the Five Year Plan, written for use in the schools and designed for children from twelve to fourteen years of age, presents with unique vividness the spirit of the new soviet order. The simplicity and naïvete of the presentation combine with the enthusiasm and imagination of the author in making the book a delightful bit of propaganda.

The Colonial Land and Emigration Commission, by Fred H. Hitchins (University of Pennsylvania Press, pp. xviii, 344), is a useful and well-documented study of an imperial agency once of considerable importance but now almost forgotten. Brought into existence largely to meet the demands of Wakefield and the colonial reformers, the commission served, according to the author, as the economic bureau of the Colonial Office for a period of nearly forty years, dealing not only with emigration from the United Kingdom to the colonies but also with the imperial labor supply derived from Africa, India, and China.

General Charles H. Sherrill, in *Bismarck and Mussolini* (pp. ix, 304), draws a comparison between these two leaders by selecting twenty-five parallel episodes from the lives of each. He sets out to prove that the two men are much alike, and naturally comes to the conclusion that Mussolini is properly to be classed with Bismarck. If the argument is obvious, the method is entirely uncritical and the style banal. Moreover, the author's insistence upon his personal acquaintance with celebrities introduces trivialities which scarcely seem in good taste.

The Separation of Executive and Judicial Powers in British India, by Naresh Chandra Roy (Sarkar and Sons, Calcutta, pp. 154), is an indictment of existing arrangements in British India under which, the author alleges, the judges are not only potentially but actually controlled by the executive. Though judicial independence was expected to flow from the reforms of 1919, nothing has happened; and the governments of all of the provinces are charged with deliberately shelving the matter on one pretext or another. The author does not content himself with criticism, but presents a concrete plan under which the desired reform could be realized with a minimum of disturbance to the administrative system generally.

Disillusioned India, by Dhan Gopal Mukerji (Dutton and Co., pp. 224), gives, on the whole, a one-sided account of the Indian situation

from the point of view of the Indian extremists, paying scant attention to the moderate parties. The book is interesting as a psychological study if combined with an impartial and more detailed account. Several chapters deal with India's spiritual superiority to the West.

The Power of India, by Michael Pym (Putnam's, pp. 317), presents a vivid and interesting traveller's account of Indian life, based on the theory that in many respects Indian is superior to Western culture. On the whole, the chapters on political and economic conditions are superficial and misleading.

The Constitution of Northern Ireland (pp. 39), by Sir Arthur S. Quekett, is published by H. M. Stationery Office. This study is designed to supplement the Government of Ireland Act of 1920 and its amending enactments by reciting the evolution of the constitution to its present form of operation and by describing the manner of its actual working.

INTERNATIONAL LAW AND RELATIONS

Mr. Walter Simons, for a time acting president of the German Republic and former chief-justice of the Supreme Federal Court, as well as a student of jurisprudence, presented to the Williamstown Institute of Politics in 1930 views on forces leading to and resulting from the World War, referring particularly to the changing attitude toward international law and world organization. His lectures appear in a small volume, *The Evolution of International Public Law in Europe since Grotius* (Yale University Press, pp. 146). Properly emphasizing the contributions of Grotius, Mr. Simons traces the development of the conception of state sovereignty. He looks with some degree of hopefulness to the organizations springing into existence since the World War and the attempts at limitation of armament as possible substitutes for force. The international complications resulting from the Covenant of the League of Nations and the Briand-Kellogg Pact may be as perplexing as those arising from alliances and balance of power. As the conception of war changes, the conception of neutrality changes. The idea of neutrality, though of slow growth, Mr. Simons regards as of importance still. Neutralization gives rise to other problems, as seen in the case of the Wimbleton relating to the Kiel Canal. Absolutism in the strict sense Mr. Simons finds out of accord with modern international law. State responsibility, mediation, arbitration, and the like are not easily reconcilable with absolutism, and codification of inter-

national law would be futile if absolutism prevailed. Intervention is always a subject of much difference of opinion, and when combined with problems of European minorities becomes to a degree dangerous. In the consideration of nationality and minorities, Mr. Simons says: "I see no greater possibility of a good and durable understanding between Germany and Poland than there was between France and Germany during the time when the question of Alsace and Lorraine was open because France could not forget that Germany had taken these provinces by a victorious war and without asking the population." Mr. Simons sees hope for international well-being in the development of the spirit of coöperation and the recognition of the jurisdiction of an international court.—G. G. W.

British Policy and Canada, 1774-1791; A Study in Eighteenth Century Trade Policy, by Gerald S. Graham (Longmans, Green & Co., pp. xii, 161), is No. 4 in the Imperial Studies Series edited by Professor A. P. Newton, of the University of London, and is a detailed study of the part played by Canada in the tangled relations of British business and politics during the period just after the loss of the American colonies. The main theme is the effort which was made to fit Canada into the scheme of the Navigation System. With the loss of the American colonies, the economic balance of the old Empire was upset. The British West Indies had become dependent for food supplies and lumber upon the New England and Middle states. Shelburne contemplated keeping up these trade relations with the new United States, which would have meant admitting an alien power within the circle of the navigation laws. He hoped to develop a great export of English manufactures if free trade could be maintained with the republic. Hence he was careless about maintaining a boundary between Canada and the States which would protect the Canadian fur trade, because he was looking for a much greater trade in the ultimate future. But there was a revolt against these free-trade ideas among the believers in the navigation laws; and, instead of applying Shelburne's ideas, an effort was made to use Canada as a substitute for New England as the source of supplies for the West Indies. This failed almost entirely, because the new loyalist settlements in Canada and Nova Scotia were not able to produce a steady surplus of supplies each year and never came within reach of producing enough to fill West Indian needs. Similarly, the effort to use the new colony for the production of hemp, flax, and timber for the British navy was largely a failure. Most in-

teresting of all, the idea that Canada might become the "vestibule of commerce" for a trade with the future population of the Mississippi Valley also broke down. "British statesmen had dreamed a dream, as glorious and as visionary as any which had gripped La Salle or the Grand Monarque. In the heart of North America, a new Anglo-Saxon nation should arise, linked to its mother country through Canada, by the strong, far-reaching arm of British commerce. It was a dim fantasy created in the smoke of an awakening industrial England." A good deal of the material used by Mr. Graham in this work is already familiar to students of the period. What is new and most valuable is the systematic study of the period from the point of view of Canada and its place in the Navigation System.—F. H. U.

It would be difficult to get along without the useful annual surveys of developments at Geneva by Dr. Denys P. Myers, issued by the World Peace Foundation (Boston) under the title *Handbook of the League of Nations*. The latest issue summarizes League developments since 1920 and includes the draft convention for disarmament. There is no single volume which in such brief compass provides so adequate an account of the structure, workings, and results of the League's first decade. But this year's issue is notable for a brief introduction on "What the League of Nations Is," in which Dr. Myers presents some of his own conclusions (that carry forward his discussion in the ninth year-book) on the effect of the League upon general international relations. He points out the effectiveness of the conference method in matters of common interest but frequently of diverse policy. The Assembly, in fact has more than once been utilized as an international conference for drafting treaties or other agreements. The very fact that it meets annually makes for continuity. But the point applies to other conferences and committees as well. "Decisions may be taken piecemeal on account of the continuity of procedure, and this possibility has proved digesting in advance of decisions is a regular practice. Decisions themselves usually represent the common thread of agreement as shown by the facts. A measure of agreement reached customarily opens vistas of an additional consensus, following further experience and investigation. Almost every field of agreement displays interlocking features. . . The background of a permanent and continuous machine frequently enables the conference to reach an agreement on part of the subject, while remitting troublesome phases of it to further study."—P. B.

An essential prerequisite for the intelligent study of the vast field of international relations is the existence of a large number of monographs on particular areas or problems. Many are the publicists who are willing to write broadly on the whole sphere, but there are all too few who are both qualified and willing to undertake the more laborious task of mastering some one lesser aspect. *The International City of Tangier* (Stanford University Press, pp. xiii, 323), by Graham H. Stuart, is a welcome addition to this latter type of literature. A very thorny problem which has vexed the statesmen of Europe for centuries is here competently examined, not only in its narrower administrative aspects, but also historically in terms of the general European and world background which lends it peculiar significance. Since the system established in Tangier by the Revised Statute has been in operation only a brief time, Professor Stuart has found it impossible to do much more than suggest the probable results of the new international régime. But he has succeeded admirably in demonstrating that such administration at the present day, at least as far as troubled areas are concerned, is fundamentally at the mercy of the play of world politics. The usefulness of the volume to the student is considerably enhanced by the inclusion in an appendix of the essential documents concerning the present status of Tangier.—R. E. •

In the preface to *Political Consequences of the Great War* (Home University Library, Henry Holt and Co., pp. 252), Ramsay Muir warns the reader that the book is to be taken, not as an authoritative textbook, but as an expression of his personal views of a rapidly changing world. From the whirlwind, as he terms it, he selects as the central points of his discussion the British Empire, the progress of democracy and internationalism, and the relation between Europe, on one hand, and the Moslem world, China, and India, on the other. Very wisely, he refrains, as a rule, from attempting to play the rôle of prophet in these varied and closely interconnected spheres, and confines himself to suggesting the outstanding problems and commenting in brief on the tentative solutions which the post-war years have brought forth. Throughout, he is insistent on the necessity of dealing with the modern world in terms of an internationalism which recognizes the diversity of nations but curbs a too parochially ardent nationalism.—R. E.

Information on the Reparation Settlement (London, George Allen and Unwin, Ltd., pp. 253) is the sixth in a most useful "informa-

tion series" edited by John W. Wheeler Bennett. The present volume is issued in collaboration with Hugh Latimer; its sub-title, "The Background and History of the Young Plan and the Hague Agreements, 1929-30," sufficiently indicates its scope and purpose. As in the other volumes in the series, the authors give a detailed record of the development of the problem from Versailles to The Hague. Documentary material occupies about one-third of the volume, including the Young Plan and several documents from both Hague conferences, 1929 and 1930. There is a useful working bibliography of British official publications and of some of the more important secondary sources. The aim of the authors to present an objective factual account has been fulfilled admirably; the volume is a most useful reference work.—P. B.

There has just appeared another of the classics of international law published by the Carnegie Endowment for International Peace, *Elementorum Jurisprudentiae Universalis Libri Duo*, by Samuel Pufendorf (Vol. I, pp. xxvi, 376; Vol. II, pp. xxiii, 304.) The first volume is a photographic reproduction of the edition of 1672, and contains an excellent introduction in German by Professor Wehberg. The text, and also Professor Wehberg's introduction, is translated in the second volume. Professor W. A. Oldfather, of the University of Illinois, is the translator of the text. It is of special value to have a satisfactory text and translation of this work of Pufendorf, which has not hitherto been easily accessible even in the original language.

The Martial Spirit; A Study of Our War with Spain, by Walter Millis (pp. 427), is published by Houghton Mifflin Company. The book is aptly named, for the author undertakes an examination of the factors and motives that brought on the conflict and succeeds in explaining the war in terms of private ambition, newspaper propaganda, synthetic war enthusiasm, and emotionalism. He does not deny the part that idealism played; he merely explains it. The military and naval engagements are well described, and with due regard to certain incidents that lent a comic opera aspect to the exploits. While Mr. Millis refuses to take the war itself too seriously, he does not fail to stress its far-reaching consequences for the United States as a world power. His volume is a valuable and highly readable case study of war with particular reference to national psychology and practical politics.—E. P. H.

Europe and the American Civil War (pp. xii, 300) is written by Donaldson Jordan and Edwin J. Pratt and published by Houghton

Mifflin Company. This study presents in a pleasing fashion and in a scholarly way the attitude of the public in Europe toward the war between the states. The authors point out the substantial interests abroad that were affected by the conflict in this country and explain how the weight of liberal public opinion, particularly in Great Britain and France, prevented intervention. A strong anti-Northern feeling existed, and the temptation to interfere was great. The contest of opinion was keen in Europe, but the cause of the North won an earlier and more decisive victory there than it did at home. The authors have approached diplomatic history from a new angle, and one that well merited their very successful investigation.

George Henry Payne, in *England; Her Treatment of America* (Sears Publishing Company, pp. xx, 323), sets out to sustain the thesis that throughout our history the British ruling class has viewed this country with "jealousy and contempt." He has arrayed all the incidents that he can discover to prove his point, ranging from Revolutionary times down to the present, and depending upon English writers for evidence. The work is a brief, rather than a scholarly, inquiry. The volume is an excellent example of how international affairs should *not* be treated.—E. P. H.

In *L'Union Européenne* (Librairie Delagrave, pp. 334), MM. B. Mirkine-Guetzevitch and Georges Scelle have assembled all of the principal documents relating to the proposed establishment of a European federal union—chiefly speeches on the subject delivered in the tenth and eleventh sessions of the Assembly of the League, together with M. Briand's Memorandum and the official replies of twenty-six governments. A brief preface presents the setting for the project sympathetically.

POLITICAL THEORY AND MISCELLANEOUS

Ernest Barker's *A Huguenot Theory of Politics: The Vindiciae contra Tyrannos* has been reprinted from the Proceedings of the Huguenot Society of London (Vol. XIV, No. 1, pp. 25). In this short address, but one very rich in ideas and suggestions, Professor Barker gives strong arguments for the repudiation of the hypothesis that Mornay was the author of the *Vindiciae*, and equally strong arguments for the acceptance of Languet as the author of this influential book. At the same time, he gives an admirably vivid picture of the conditions which fortified Catholic reaction against the Huguenots. According

to Barker, the massacre of St. Bartholomews's Day was a popular massacre, a national massacre, because it was in accordance with the fundamental tendency of the epoch toward French unity. Furthermore, the author presents a thoroughgoing analysis of the main philosophy of the *Vindiciae*, the cornerstones of which are the theory of contract, of trusteeship, of resistance, and of federalism. In another part of his essay, he shows the influence of Languet on Althusius and Locke. The principles which were "alien to the political unitarianism of France found a more congenial home in Holland." Here Locke was manifestly influenced by the Huguenot atmosphere; and Althusius, though a German, lived in Friesland on the borders of Holland. One of the most interesting features of Professor Barker's essay is the emphasis which he lays on the formative force, not so much of the Huguenot *theory*, but of the Huguenot *ideology*, upon progressive spirit in Europe and America.—O. J.

Everyone interested in the history of the *Risorgimento*, especially as regards the evolution of political ideas, will be grateful to Alessandro Levi for his study, *Il Positivismo Politico di Carlo Cattaneo* (Bari: Laterza & Figli, pp. xvi, 198). The book is a comprehensive and illuminating analysis of the social and political work of an important and original thinker who, in the universality of his outlook and the nobility of his moral tone, approaches his great contemporary, Mazzini. But whereas the rather mystical and sentimental thinking of Mazzini culminated in the idea of a strong Italian unity, the matter of fact, analytical, and historical frame of mind of Cattaneo was centered on the idea of an Italian federalism. Though the time was not yet ripe for this broad synthesis of individual and political liberty against the mechanical centralization of the time, Cattaneo stated important problems and found fertile solution, not only for his fatherland, but for his vision of a United States of Europe. The student interested in the history of federalism will find in Professor Levi the most expert and enthusiastic guide for the reconstruction of the thought of his hero. A comprehensive bibliography of the works of Cattaneo and those which treat of him augments the great value of the book.—O. J.

Essays in Colonial History: Presented to Charles McLean Andrews by his Students is a worthy tribute to the scholarship and teaching services of Professor Andrews. With the exception of the last essay, which treats the subsequent influence of ideas developed at the end

of the colonial period, all of the essays deal with the colonial period. Otherwise there is no attempt to confine them to a particular subject-matter. Six of the twelve deal with problems which are primarily economic: land tenure in the charters and in New Netherland, taxation in the Connecticut towns, the economic causes of the rise of Baltimore, the four New York companies, and the settlement and financing of the West Indies. One deals with the impressment of seamen, and two are studies of important figures of the period, the Earl of Stirling and Jonathan Belcher. The essays which will probably be of greatest interest to the student of colonial government are those by Mary P. Clarke on parliamentary privilege in the colonies, L. W. Labaree on the early careers of the royal governors, and B. W. Bond on the reception of certain political ideals of the colonial and Revolutionary periods in the Old Northwest. These three, and particularly the illuminating essay by Professor Labaree, are real contributions to the body of secondary material dealing with colonial politics.—B. F. W.

One of the most significant experiments in the attempt to control raw materials was the recent ill-fated Stevenson plan for restricting the exportation of rubber from the British possessions in the Middle East. In *Government Control of Crude Rubber* (Princeton University Press, pp. 235), Professor Charles R. Whittlesey has made an exhaustive analysis of the conditions that led to control, the structure of the plan, and the effects of its operation. The result is a compact and definitive piece of research. The unfortunate position of the industry from 1920 to 1922, combined, perhaps, with the natural desire of English rubber share-holders to improve the standing of their holdings, led to the adoption of a plan whereby output was to be restricted to a percentage of standard production. A sliding scale was devised in accordance with which the quota was to be increased as prices rose, and *vice versa*. The plan operated with considerable success until 1924-25, when prices mounted rapidly. The sliding scale arrangement proved to be an inadequate check. It was during this period of rising prices that much unpleasantness occurred between England and the United States, the latter, of course, being the largest rubber consumer in the world. The act was repealed in 1928. The conclusion of the author is that the effect of the plan was generally harmful, even with respect to the producers. Although he is obviously pessimistic as to the efficacy of any governmental control, one wonders what the results might have been had the influence of the British Rubber Growers' Associa-

tion been less decisive in the administration of the plan, or had there been international control.—H. L. E.

Under the title *Dictatorship on Trial* (Harcourt, Brace and Co., pp. 390), Otto Forst de Battaglia has gathered together a somewhat miscellaneous collection of essays on dictatorship contributed by a number of Europeans of note. Although the editor himself, in the concluding essay, holds that dictatorship has justified itself for certain countries as a means of meeting grievous situations, there are others in the volume to gainsay him. Prof. Einstein, for example, in two brief sentences, asserts that science requires freedom of speech, while "a dictatorship means muzzles all around." The first part of the book is composed of essays on the relationship of dictatorship to other factors, including a contribution by Maurice Bedel on "Love and Dictatorship;" while the second consists of an examination of particular countries and their dictators. If Austria is excluded from the list of countries here discussed, the fact cannot be laid at the door of Raimund Gunther, who, in *Diktatur oder Untergang* (Verlag Carl Koenigen, Wien, pp. 150), makes an impassioned plea for a dictator who would put an end to the party strife which the author believes to be destroying the new republic.—R. E.

Professor Harold J. Laski's visit to the United States as lecturer at Yale during the academic year 1930-31 has been marked by a republication of his stimulating and thought-provoking book, *The Foundations of Sovereignty, and Other Essays* (Yale University Press, pp. xi, 317), in which the author presented his case for the pluralistic state. The first edition of the work, which appeared in 1921, was reviewed in this journal for November, 1921, by Professor Walter J. Shepard (Vol. XV, No. 4). It is also of interest to note that the reprint of Professor Laski's earlier work comes at about the same time as the appearance of two new books from his facile pen, both of which are reviewed in this issue of the *Review*, and in one of which (*Politics*) there are discernible some slight modifications or refinements of his earlier views.

Under the title *Bureaucracy Triumphant* (Oxford University Press, pp. 148), Mr. C. K. Allen has reprinted four articles, chiefly from the *Law Quarterly Review*, dealing with the recent development of administrative law in England. The author recognizes the inevitability of a highly-developed system of administrative law under modern con-

ditions, but stresses the evils of bureaucratic arbitrariness which, he thinks, have grown up too fast along with the growth of administrative law. He reproves the complacency concerning these developments of the late Dr. F. J. Port in his *Administrative Law*, and commends the warning issued by Lord Hewart in *The New Despotism*. The present volume forms a brief and convenient introduction to an important aspect of the general problem of administrative power and procedure in the modern state.—A. N. H.

Vittorio Alfieri, by Gaudence Megaro (Columbia University Press, pp. 175), is a distinctly suggestive addition to the literature of the early history of nationalism. The search for the elusive factors which combine obscurely to make up the more highly developed nationalism of our own day receives considerable aid from such biographical studies as this, dealing with the patriots of a day when nationalism existed only in rudimentary form. Clearly, the elements of modern nationalism are present in Alfieri; the essential motivating forces are at hand; but the form and channel which those forces should take are only dimly realized. Dr. Megaro's study is an intelligent and sympathetic analysis of a great writer who, a half-century before its realization, caught romantic and, often contradictory, glimpses of the vision that led Italy through Mazzini, Garibaldi, and Cavour to Mussolini.—R. E.

Reviving the title of Immanuel Kant's immortal treatise, Dr. Julius Moor tries in his recent book, *Zum Ewigen Frieden: Grundriss einer Philosophie des Pazifismus und des Anarchismus* (Leipzig: Felix Meiner, pp. 101), to invalidate the fundamental conclusion of the great philosopher, showing that the idea of an eternal peace is illogical in its foundation and shaky in its ethical basis. In doing this, Professor Moor makes his task too easy by identifying the present pacifist movement with one of its manifestations, the sentimental anarchism which believes that the destruction of all state authority and compulsion will eliminate both individual and collective struggles. Though the author does not do justice to the pacifist movement as a whole, his unusual power of analysis contributes to the clarification of certain important problems, so entirely neglected by the purely juristic or sentimental approach to the elimination of war. At the same time, the book is an interesting document showing the present mentality of Hungary, which refuses any attempt for peace under the rule of alleged unjust peace treaties.—O. J.

Kritik der Soziologie: Freiheit und Gleichheit als Ursprungsproblem der Soziologie, by Siegfried Landshur (München und Leipzig, Duncker und Humblot; pp. 159), is a refutation of the claim of a purely descriptive and objective sociology and a demonstration that all important sociological and political inquiries have always been determined by the problems and values of a given period. By an acute study of the work of the chief representatives of recent and contemporary German and social science, the author shows conclusively that none of them could avoid a certain *Problematic* given by the very trend of social evolution. Modern sociology was born of the dilemmas of our capitalistic civilization; however; the fundamental problems involved are not purely social or economic, but deeply rooted in the ideas of freedom and equality which originated in the German Christian civilization, developed through the law of nature, were reasserted by Rousseau and the French Revolution, and are still the main sources of modern socialism. In this way, the close and inseparable connection between sociological and political problems is forcefully demonstrated.—O. J.

An attractive volume, *A Quarter Century of Learning, 1904-1929, As Recorded in Lectures Delivered at Columbia University on the Occasion of the One Hundred and Seventy-fifth Anniversary of its Founding* (Columbia University Press, 1931, pp. 380), records the progress of the principal branches of learning recognized in the universities, as viewed by leading members of the Columbia faculty. "Government" is in the competent hands of Dean McBain, who has written interestingly of matters with which the students of that subject are specially concerned. He reveals a skeptical mind with respect to both the democratic dogmas of conventional American political education and the new methodology, the psychological and statistical approaches, of the modernist schools of political science.—A. N. H.

Government; A Phase of Social Organization (Lehigh University, pp. 112), by E. B. Schulz is an attempt to reexamine the fundamental concepts of political science in the light of pluralistic and sociological criticisms of current doctrines. Starting from the interests of individuals and the relationships which those interests bring about, the author works out an elaborate terminology and system of classification which, it is suggested, should replace the more orthodox versions. It may be doubted whether a very substantial improvement has been effected. The customary scholarly apparatus occasionally appears re-

duced to absurdity, as in the instance when the reader is referred by a footnote to the whole of Maitland's *Constitutional History of England* and Marriott's *English Political Institutions* in support of the bare statement that Great Britain's present governmental system is not the same as that operating in 1690.—R. E.

Too Much Government (The Vanguard Press, pp. 266), by Charles Erskine Scott Wood, is the vehement protest of a dogmatic individualist against political control by an economic oligarchy. "Government is the corporate name for the dominant few who own the wealth of the planet and of society, and so own and exploit the bodies and souls of the people. Constant rebellion is the only safety, and a true equality, economic and political, is the only goal." The book is notable for its fervor rather than for the originality of its argument.—E. P. H.

A. Wyatt Tilby has written an admirable biography entitled *Lord John Russell; A Study in Civil and Religious Liberty* (pp. xv, 287). Richard R. Smith is the publisher. Russell is presented as a clear, if limited, thinker who believed in principle rather than in compromise, and one who said exactly what he meant and meant exactly what he said. He is pictured as the acknowledged public leader of all who believed in constitutional government, free national parliaments, and an open franchise. The father of the Reform Bill had his limitations and not a few weaknesses, but he was not given to equivocation. Mr. Tilby explains and evaluates his subject with skill, and writes in a witty and easy fashion that is incisive and never smart. Lord John Russell emerges as a living figure: "the perfect Whig seeking liberty as an end rather than as a means."—E. P. H.

The Macmillan Company has published *A History of Socialism* (pp. viii, 328), by S. F. Markham. The author has made unrestricted use of Thomas Kirkup's *History of Socialism*, the present volume, however, being a general survey that comes down to date. The treatment is necessarily cursory; Karl Marx, for example, is disposed of in twenty-five pages. The work serves as a convenient outline of the course that socialism since its beginnings has taken in the nations of the world.

Under the title *Americans* (Oxford University Press, pp. 148), Salvador de Madariaga has published a collection of light and sprightly little essays which first appeared in various magazines here and in Great Britain. In an informal and often humorous vein, he discusses

a variety of topics such as the United States of Europe, the "I'm Alone" case, the nordic myth, free trade, Senator Borah, and world government. While the style of presentation is none too serious, the barb of the author's wit frequently drives home his point.

"Gimme," or How Politicians Get Rich (The Vanguard Press, pp. 298), is written by Emanuel H. Lavine, the New York police reporter who recently published a volume dealing with the "third degree." The present work is a running account of the various ways and means of political graft, especially as observed by the author in Manhattan. The volume serves to present the contemporary version of the same old sordid tale of dishonesty and injustice in politics. Mr. Lavine has compiled specific incidents and catalogued them within the covers of a book.

Encyclopedia of Banking and Finance, by Glenn G. Munn (Bankers Publishing Co., New York, pp. 765) is a third revised edition of the first complete reference work on the subject of which it treats. Many of the 3,400 titles are only definitions or very brief statements of fact, but others are substantial articles, sometimes accompanied by bibliographies and full texts of statutes. Students of public finance will find the volume useful.

Students' Attitudes; A Report of the Syracuse University Reaction Study (Craftsman Press, Syracuse, pp. 408), by Daniel Katz and Floyd H. Allport, is a volume of large general interest, but will perhaps attract the attention of the political scientist, as such, only because of a single chapter on the technique of attitude measurement.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES¹

COMPILED BY EARL W. CRECRAFT

University of Akron

POLITICAL PHILOSOPHY AND PSYCHOLOGY

- David M. Amacker*; A.B., Princeton, 1917; A.B., 1922; A.M., Oxon, 1927. The Impairment of the Theory of External Sovereignty. *Columbia*.
- Norman Wood Beck*; A.B., Chicago, 1923. A Group of Political Scientists as Inventors. *Chicago*.
- Philip W. Buck*; A.B., Idaho, 1923. The Relations Between Political and Economic Thought. *California*.
- Hyman E. Cohen*; Ph.B., Chicago, 1928. History of the Theory of Sovereignty Since 1900. *Chicago*.
- Thomas I. Cook*; B.Sc., London School of Economics, 1928. Political Obligation in Recent American Thought. *Columbia*.
- Edward F. Dow*; B.S., Bowdoin, 1925; A.M., Harvard, 1926. The Present Value of the City State Ideal. *Harvard*.
- Grace Givin*; A.B., Kansas, 1914; S.D., *ibid.*, 1916. Louise DeKoven Bowen as a Political Leader. *Chicago*.
- Henry Jansen*; A.B., Bluffton, 1927; A.M., Ohio State, 1929. The External Aspect of Sovereignty. *Ohio State*.
- **Mary Z Johnson*; Ph.B., Chicago, 1924. Development of Democratic Theory Since 1848. *Chicago*.
- James C. King*; Measurable Conditions Favorable to the Development of Nationality. *Chicago*.
- Marion W. Lewis*; A.B., Rockford, 1923. Jane Addams; A Study in Leadership. *Chicago*.
- Paul McKown*; A.B., Princeton, 1920; A.M., Pennsylvania, 1928. The Political Theories of Woodrow Wilson. *Pennsylvania*.
- Floyd L. Mulkey*; A.B., Baker, 1925. Recent Theories of Representative Government. *Chicago*.
- Ralph O. Nafziger*; A.B., Wisconsin, 1921; A.M., Wisconsin, 1930. The Newspapers and Public Opinion in the United States Concerning the War in Europe, 1914-1917. *Wisconsin*.
- Frances Newborg*; A.B., Wellesley, 1927. Political Ideas in American Fiction. *Chicago*.

¹ Similar lists have been printed in the *Review* as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930).

Asterisks indicate dissertations completed during the past academic year or present summer.

- Paul A. Palmer*; A.B., Bowdoin, 1927; A.M., Harvard, 1928. Concepts of Public Opinion in the History of Political Thought. *Harvard*.
- Michael A. Perry*; B.S., Pennsylvania, 1915; A.M., *ibid.*, 1920. Relation of the Motion Picture Industry to Public Opinion. *Pennsylvania*.
- Lawrence Preuss*; A.B., Michigan, 1927; A.M., *ibid.*, 1929. The Theoretical Basis of Diplomatic Immunities. *Michigan*.
- Pearl Robertson*; Ph.B., Chicago, 1923; A.M., *ibid.*, 1921. Grover Cleveland as a Political Leader. *Chicago*.
- Helen M. Rocca*; A.B., California, 1919; A.M., *ibid.*, 1921. The Political Ideas of Benjamin Disraeli. *Columbia*.
- Anna Elisabeth Roth*; Ph.B., Syracuse, 1909; A.M., Radcliffe, 1926. Virtual Representation. *Radcliffe*.
- Elmer E. Schattschneider*; A.B., Wisconsin, 1915; A.M., Pittsburgh, 1927. The Economic Basis of the Changing Democratic Attitude Toward the Tariff. *Columbia*.
- Charles W. Smith, Jr.*; A.B., Park College, 1925; A.M., Michigan, 1928. Roger B. Taney; A Study in Political Theory and Public Law. *Wisconsin*.
- Ruth E. Wright*; A.B., Middlebury, 1923; A.M., Vermont, 1929. The Nationalism of Alexander Hamilton and of Theodore Roosevelt; A Comparative Study. *Columbia*.
- T. C. Wu*; A.B., Kwang Hua University, 1929. Political Theories of Bertrand Russell and Norman Angell. *Johns Hopkins*.

UNITED STATES GOVERNMENT AND POLITICS AND CONSTITUTIONAL LAW

- H. C. Atkiss*; A.B., Antioch, 1927; A.M., Cincinnati, 1928. Coördination of National and State Agencies, with Particular Reference to the Federal Power Commission and State Public Utility Commissions. *Yale*.
- **F. E. Ballard*; A.B., Millsaps, 1924; A.M., Vanderbilt, 1926. Political Ideas Revealed in the Supreme Court Opinions of John Marshall. *Iowa*.
- E. E. Barlow*; A.M., Illinois, 1929. The Problem of Public Information in the National Government. *Illinois*.
- **George C. S. Benson*; A.B., Pomona, 1928; A.M., Illinois, 1929. The General Accounting Office. *Harvard*.
- Eleanor Bontecou*; A.B., Bryn Mawr, 1913; J.D., New York University, 1917. The Rule-Making Power and Federal Legislation. *Radcliffe*.
- Paul Herman Buck*; A.B., Ohio State, 1921; A.M., *ibid.*, 1922. Party Divisions in the Van Buren and Tyler Administrations. *Harvard*.
- Helen May Cory*; A.B., Northwestern, 1925; A.M., 1927. Compulsory Arbitration. *Columbia*.
- Willard B. Cowles*; A.B., Columbia, 1928. Treaties as a Source of Local Law. *Columbia*.
- Lawrence Cramer*; A.B., Wisconsin, 1923; A.M., Columbia, 1926. Advisory Committees in Relation to Federal Administration. *Columbia*.
- Boyden Dangerfield*; S.B., Brigham Young, 1925. The Senate's Influence on the Foreign Relations of the United States. *Chicago*.

- Charles Edwin Davis; A.B., Texas, 1928; A.M., *ibid.*, 1929. The President's Conception of the Legislative Powers of the President's Office. *Yale*.
- E. Foster Dowell; A.B., Johns Hopkins, 1929. The Veto Power of the President. *Johns Hopkins*.
- *Donald M. DuShane; A.B., Wabash, 1927; A.M., Columbia, 1930. American Naval Policy. *Columbia*.
- *Hugh L. Elsbree; A.B., Harvard, 1925; A.M., *ibid.*, 1929. The Regulation of Interstate Commerce in the Electric Power Industry. *Harvard*.
- Brooks Emery; A.B., Princeton, 1924. The Geographical Basis of American Foreign Policy. *Yale*.
- Harold R. Enslow; A.B., Kansas, 1926; A.M., Illinois, 1927. Deductions from Federal Income Tax for State Income Taxes. *Pennsylvania*.
- H. Schuyler Foster; S.B., Dartmouth, 1925. War News in Selected United States Newspapers, 1914-1918. *Chicago*.
- Felipe Gamboa; A.B., Oregon, 1926; A.M., *ibid.*, 1927. The Political Policy of the United States in the Philippines. *California*.
- Max Geller; A.B., College of the City of New York, 1919; LL.B., New York University, 1920; A.M., *ibid.*, 1927. Artificial Persons Under the Constitution of the United States. *New York*.
- Charles E. Haines; A.B., Colorado; A.M., Columbia, 1927. The Supreme Court and the Anti-Trust Acts. *Harvard*.
- William M. Hargrave; A.B., DePauw, 1928; A.M., Iowa, 1929. The Socialist Party and the American Party System. *Iowa*.
- Laurence V. Howard; A.B., Southern College, 1920. The Method of Settling International Controversies by the United States. *Chicago*.
- Peyton Hurt; A.B., Idaho, 1926; A.M., California, 1929. The Know-Nothing Party. *California*.
- Arthur James; A.B., Lebanon, 1911; A.M., Cincinnati, 1913; B.D., Yale, 1915. American Rule in Porto Rico. *Columbia*.
- Alvin W. Johnson; A.B., Berrien Springs College, 1920; A.M., Michigan, 1923. Phases of the Present Status of Church and State in America. *Minnesota*.
- Grace Johnson; A.B., Wells, 1919; A.M., George Washington, 1923. The Annexation of Hawaii. *American University*.
- Howard P. Jones; B.Litt., Columbia, 1921. Contempt of Court and the Freedom of the Press. *Columbia*.
- Leo Jones. The Separation of Powers in Relation to Administrative Law and Procedure. *California* (Los Angeles).
- Joseph Kise; A.B., St. Olaf, 1916; A.M., Harvard, 1928. The Constitutional Doctrines of Harlan F. Stone. *Harvard*.
- John Day Larkin; A.B., Berea, 1923; A.M., Chicago, 1925. The Administration of the Flexible Tariff. *Harvard*.
- Joseph T. Law; A.B., Drury, 1915; A.M., Wisconsin, 1921. Constitutional Limitations on the Delegation of Legislative Power. *Wisconsin*.
- Albert Lepawsky; Ph.B., Chicago, 1927. Courts in the Metropolitan Region of Chicago. *Chicago*.
- Raymond Leydig; A.B., Kansas, 1925; A.M., Columbia, 1928. Federal Control of Radio. *Columbia*.

- Nelson Bernard Lisansky*; A.B., Johns Hopkins, 1927. The Development of Law of Searches and Seizures. *Johns Hopkins*.
- Vera MacLaren*; A.B., Southern California, 1924; A.M., Northwestern, 1929. The Doctrine of Public Interest. *Northwestern*.
- Kenneth J. Martin*; Ph.B., Denison University, 1927; A.M., Ohio State, 1929. Waiver of Jury Trial. *Chicago*.
- Evalyn Armisted Maurer*; A.B., Northwestern, 1927; A.M., *ibid.*, 1928. Governmental Regulation of the Interstate Distribution of Public Utility Products. *Northwestern*.
- James D. McGill*; A.B., Oberlin, 1920; A.M., *ibid.*, 1922. Religious Liberty and Equality in American Constitutional Law. *Cornell*.
- Russell McInness*; Ph.B., Brown, 1922; LL.B., New York Law School, 1925; A.M., Columbia, 1929. Administrative Control of Airplane Manufacture. *Columbia*.
- John F. Miller*; A.B., Illinois, 1929; A.M., 1930. Relations of the Federal Government with Municipalities. *Columbia*.
- James R. Pennock*; A.B., Swarthmore, 1927; A.M., Harvard, 1928. Federal Unemployment Policy. *Harvard*.
- **Ernest R. Perkins*; A.B., Wesleyan, 1917; A.M., Clark, 1921. Development of the Colonial Policies of the United States. *Clark*.
- Valdemer F. Peterson*; A.B., Wayne State Teachers College, 1927; A.M., Nebraska, 1931. The Public Career of George W. Norris. *Nebraska*.
- Louis N. Pollock*; LL.B., New York Law School, 1923. Legislative Control of Foreign Relations. *Johns Hopkins*.
- A. L. Powell*; A.B., Illinois, 1929; A.M., *ibid.*, 1930. Taxation of Governmental Instrumentalities. *Illinois*.
- Allen Thomas Price*; Ph.B., Denison, 1916; A.M., Chicago, 1922. The Influence of the American Missionary Movement on American Diplomacy in China. *Harvard*.
- Spencer Reed*; Ph.B., Lafayette, 1919; A.M., American, 1928. The Federalist Party, 1789-1823. *American University*.
- **George Clarence Robinson*; A.B., Wisconsin, 1916; A.M., Harvard, 1920. The Veto Power Since 1889. *Harvard*.
- M. Louise Rutherford*; LL.B., Temple, 1921; A.B., Pennsylvania, 1926; A.M., *ibid.*, 1930. The Influence of the Bar Upon Legislation. *Pennsylvania*.
- Leon Sachs*. The Writ of Certiorari in Administrative Law. *Johns Hopkins*.
- Carroll K. Shaw*; A.B., Oberlin, 1928; A.M., Syracuse, 1929. Administrative Areas as Used by the United States Government. *Illinois*.
- Max A. Shepard*; A.B., Ohio State, 1927; A.M., Harvard, 1928. The Development of the Idea of the Fundamental Law of the Constitution. *Harvard*.
- George A. Shipman*; A.B., Wesleyan, 1925; A.M., *ibid.*, 1926. The Constitutional Doctrines of Justice Stephen J. Field. *Cornell*.
- Theodore Skinner*. Administrative Discretion as it Affects Constitutional Rights. *New York University*.
- Camden Strain*; A.B., Washburn, 1925; A.M., Wisconsin, 1926. Finality of Extra-Judicial Interpretation of Constitutional Questions. *Wisconsin*.
- I. H. Su*; A.B., Wisconsin, 1926; A.M., Columbia, 1927. The Make-up of American Cabinets. *Columbia*.

- Harold Tascher*; A.B., Illinois, 1925; A.M., *ibid.*, 1926. Industrialization and the Consular Service. *Illinois*.
- C. H. Tolbert*; A.B., Texas, 1929; A.M., *ibid.*, 1930. Presidential Investigating Commissions. *Yale*.
- Stanley Trefl*; B.S., Northwestern, 1929. State Police Power in Interstate Commerce. *Northwestern*.
- **Eleanor Tupper*; A.B., Brown, 1926; A.M., Clark, 1927. American Sentiment Toward Japan, 1904-1924. *Clark*.
- K. C. Wang*; A.B., Fuh-Tan University, 1926. The Removal of Public Officers. *Johns Hopkins*.

STATE AND LOCAL GOVERNMENT IN THE UNITED STATES

- John B. Abersold*; A.B., Pennsylvania, 1922; LL.B., *ibid.*, 1925; A.M., *ibid.*, 1929. Commercial Arbitration in Pennsylvania. *Pennsylvania*.
- Ethan P. Allen*; A.B., Colorado, 1929; A.M., Iowa, 1930. Legislative Control over Administrative Agencies in Iowa. *Iowa*.
- Frederic C. Ault*; A.B., Ohio State, 1928; A.M., *ibid.*, 1930; Labor Legislation and Administration in Missouri. *Washington University* (St. Louis).
- E. Maxwell Benton*; A.B., Washburn, 1929; A.M., Iowa, 1930. The Administration of Criminal Justice in Rock Island, Illinois. *Iowa*.
- Frederick L. Bird*; A.B., Lafayette, 1918; A.M., Columbia, 1921. Municipal Light and Power Plants in New York State. *Columbia*.
- Hillman M. Bishop*; A.B., Columbia, 1926. New York City Political Patronage. *Columbia*.
- Helen Breese*; A.B., Bucknell, 1927; A.M., *ibid.*, 1928. Public Service Commissions; The Attachment of Jurisdiction. *Syracuse*.
- Henry G. Burke*; LL.B., Maryland, 1927. Public Utility Regulation in Maryland. *Johns Hopkins*.
- Glenn E. Cullen*; A.B., Wesleyan, 1919; A.M., Nebraska, 1921. The Administration of Nebraska Labor Laws. *Nebraska*.
- Keith Carter*; A.B., Randolph-Macon, 1907; A.M., Columbia, 1925. The Development of Criminal Law by Judicial Decision in Texas, 1890-1928. *Columbia*.
- **Merritt Madison Chambers*; A.B., Ohio State, 1922; A.M., *ibid.*, 1927. The Structure and Legal Status of the Governing Boards of State Institutions of Higher Education in the United States. *Ohio State*.
- Winston Crouch*; A.B., Pomona College, 1929; A.M., Claremont College, 1930. State Subsidies to Local Units in California. *California*.
- Lewis Danziger*; LL.B., Maryland, 1929. Uniform State Laws in the United States. *Johns Hopkins*.
- J. Murdock Dawley*; A.B., Minnesota; LL.B., *ibid.*; A.M., *ibid.*, 1930. The Power of the Governor to Appoint and Remove State and Local Officers. *Minnesota*.
- Earl Howard DeLong*; B.S., Northwestern, 1929; A.M., Northwestern, 1930. The State-wide Coordination of Police Authorities in the United States. *Northwestern*.
- Harold M. Dorr*; A.B., Michigan, 1923; A.M., *ibid.*, 1928. The Constitutional History of Michigan. *Michigan*.
- Lawrence Logan Durisch*; LL.B., Nebraska, 1923; A.B., *ibid.*, 1927; A.M., *ibid.*, 1928. The Nebraska Railway Commission. *Chicago*.

- William H. Edwards*; A.B., Ohio State 1925; A.M., *ibid.*, 1923. The Position of the Governor in Recent Administrative Reorganization in the States. *Ohio State*.
- John North Eddy*; S.B., Missouri, 1925; A.M., California, 1926. Manual of Municipal Management. *Stanford*.
- Rowland A. Egger*; A.B., Southwestern, 1926; A.M., S.M.U., 1927. The Federated Region as a Solution of the Metropolitan Problem. *Michigan*.
- Lavinia Engle*; A.B., Antioch, 1912. County Government in Maryland. *Johns Hopkins*.
- James W. Errant*; S.B., Illinois, 1923. Public Employee Organizations in Chicago. *Chicago*.
- Russell Ewing*; A.B., Minnesota, 1923; A.M., Columbia, 1924. The Problem of Personnel under City Management. *Columbia*.
- Sonya Forthal*; A.B., Wisconsin, 1922; A.M., *ibid.*, 1923. An Analysis of the Functions of Precinct Committeemen. *Chicago*.
- Earl W. Garrett*; S.B., Harvard, 1924. Discipline in the Chicago Police Department. *Chicago*.
- Plato Lee Gettys*; A.B., Oklahoma, 1919, A.M., *ibid.*, 1927. Torts and Liabilities of Cities. *Stanford*.
- Victor Hunt Harding*; LL.B., Syracuse, 1907; A.B., Stanford, 1925. Direct Legislation in California. *Stanford*.
- **Freeman H. Hart*; A.B., Washington and Lee, 1912; A.M., *ibid.*, 1917; A.M., Harvard, 1922. Federalism in Virginia, 1733-88, with Special Reference to the Valley. *Harvard*.
- William Vernon Holloway*; A.B., Southwestern University, 1925; A.M., Wisconsin, 1928. The Exercise of Legislative Powers by Administrative Bodies in State Governments. *Washington (Seattle)*.
- I. D. Hurwitz*; LL.B., Maryland 1928. Motor Vehicles, Traffic, and the Law, with Particular Reference to the State of Maryland. *Johns Hopkins*.
- Randolph O. Huus*; A.B., St. Olaf, 1916; A.M., Columbia, 1924. Municipal Playgrounds. *Syracuse*.
- Rex M. Johnson*; Personnel Administration in the State Service of Ohio. *Ohio State*.
- Violet J. Johnson*; A.B., Hamline, 1928; A.M., Minnesota, 1929. Occupational Opportunities for College and Professional School Graduates in the Public Service. *Minnesota*.
- Harley Walter Kidder*; A.B., Illinois, 1929; A.M., *ibid.*, 1929. The Prohibition Party of Vermont; A Study in Quantitative Analysis and Interpretation. *Illinois*.
- David H. Kurtzman*; B.S., Temple, 1930; A.M., Pennsylvania, 1931. The Division Leader in Philadelphia Party Organization. *Pennsylvania*.
- Angus MacKenzie Laird*; A.B., Florida, 1927; A.M., *ibid.*, 1928. The Party System in Florida. *Chicago*.
- W. Rolland Maddox*; A.B., Ohio Wesleyan, 1923; A.M., Cincinnati, 1924. Municipal Home Rule in Ohio; An Evaluation. *Michigan*.
- Cecil F. Marshall*; A.B., Iowa, 1929; A.M., Iowa, 1931. The Administration of Criminal Justice in Davenport, Iowa. *Iowa*.
- Roscoe C. Martin*; A.B., Texas, 1924; A.M., *ibid.*, 1925. The Populist Movement in Texas. *Chicago*.
- Charles E. Marts*; A.B., Yale, 1915; A.M., *ibid.*, 1917. Ohio Politics from 1876 to 1900. *Harvard*.

- George H. McCaffrey*; LL.B., Harvard, 1913; A.M., *ibid.*, 1913. The Government of Metropolitan Boston. *Harvard*.
- C. McKensie*; A.B., Dartmouth, 1920; A.M., Columbia, 1921. The New Hampshire Town. *Columbia*.
- David G. Monroe*; LL.B., Baldwin-Wallace, 1927. Police Organization in the Metropolitan Region of Chicago. *Chicago*.
- William D. Moreland*; A.B., Iowa, 1923; A.M., Iowa, 1930. The Administration of Criminal Justice in Moline, Illinois. *Iowa*.
- Blake E. Nicholson*; LL.B., George Washington, 1923; LL.M., *ibid.*, 1925; B.S., Pennsylvania, 1926. The Collection of Local Taxes in Pennsylvania. *Pennsylvania*.
- **Spencer D. Parratt*; A.B., Utah, 1924. Organization of Governments in the Regional Area of Chicago. *Chicago*.
- Henry C. Pepper*; A.B., Missouri, 1922; A.M., Missouri, 1924. County Government in Colorado. *Iowa*.
- Jewell C. Phillips*; A.B., Oklahoma, 1921; A.M., *ibid.*, 1929. Operation of the City Manager Plan in Oklahoma. *Pennsylvania*.
- S. C. E. Powers*; A.B., Iowa State Teachers College, 1923; A.M., Iowa, 1928. The Office of Governor in Iowa. *Iowa*.
- Leland Pritchard*; Bus Regulation in New York State. *Syracuse*.
- Glenn W. Rainer*; A.B., Emory, 1928; A.M., Emory, 1929. The Development and Reorganization of State Administration in Georgia. *Northwestern*.
- M. Harry Satterfield*; A.B., Kansas, 1928; A.M., Nebraska, 1930. Judicial Administration in Nebraska. *Nebraska*.
- Burton F. Scott*; A.B., Washington, 1919. History of Police in Chicago. *Chicago*.
- P. K. Sikes*; A.B., Mississippi A. & M., 1924; A.M., Texas, 1928. Judicial Administration in Mississippi. *Illinois*.
- **Carlton C. Sims*; S.B., Peabody, 1917; A.M., *ibid.*, 1922. The Tennessee County. *Chicago*.
- Royal S. Steiner*; A.B., Beloit, 1915; A.M., Harvard, 1921. State Control of Local Finance in Massachusetts. *Harvard*.
- **Edwin O. Stene*; A.B., Minnesota, 1924; A.M., *ibid.*, 1929. Provisions for Public Employees Disabled in the Course of Duty and for Their Dependents in Case of Death. *Minnesota*.
- Hubert Stone*; A.B., De Pauw, 1925; Town Government in New York State. *Columbia*.
- **K. P. Vinset*; A.B., Grinnell, 1921; A.M., Mississippi, 1927. Legal Aspects of Municipal Corporations in Mississippi. *Iowa*.
- **Earl E. Warner*; The Activities of Citizen Organizations in the State Administration of Ohio. *Ohio State*.
- Bradford W. West*; A.B., Amherst, 1923; A.M., California, 1925. Major Financial Problems in the Public Care of the Insane; A Study in Public Finance. *Pennsylvania*.
- Glen G. Wiltsey*; A.B., Wesleyan, 1920; A.M., Nebraska, 1931. The Administration of Nebraska Banking Law. *Nebraska*.
- **Clinton Ivan Winslow*; A.B., Nebraska, 1918; A.M., Harvard, 1923; Ph.D., *ibid.*, 1931. Committees in State Legislatures. *Harvard*.

- *John P. Wright; S.B., Alabama Polytechnic Institute, 1922. The Limited Quadrennial Legislative Session of Alabama. *Harvard*.
- Martha Jean Ziegler; A.B., Illinois, 1928; A.M., Illinois, 1929. State Investigating Commissions in Illinois Since 1900; Their Procedure and Legislative Influence. *Northwestern*.

FOREIGN AND COMPARATIVE GOVERNMENT

- E. C. Bellquist; A.B., California, 1927; A.M., *ibid.*, 1928. The Development of Parliamentary Government in Sweden. *California*.
- C. R. Berghult; A.B., Gustavus Adolphus, 1926; A.M., Teachers College, 1928. Municipal Government of Sweden. *Columbia*.
- Catherine Evangeline Boyd; A.B. Radcliffe, 1926; A.M., *ibid.*, 1929. The Development of the Ordonnance Royale in France to the End of the 16th Century. *Radcliffe*.
- Chun-Ming Chang; A.B., Illinois, 1926; A.M., *ibid.*, 1927. The Role of the United States House of Representatives in Foreign Policy. *Yale*.
- Daniel S. K. Chang; A.B., St. John's University, 1917; A.M., Columbia, 1921. Parliament and British Policy Toward China. *Columbia*.
- Duokso Chang; A.B., Waseda, Japan, 1916; A.M., Columbia, 1925. Methods of Promoting Industrial Peace in Great Britain. *Columbia*.
- Yuan-Chen Cheo; A.B., San Jose State Teachers College, 1928; A.M., Stanford, 1929. A Proposed Form of a Mayor-Council-Manager Government in Kinkiang, Kiangsi, China. *Stanford*.
- Gerda Richards Crosby; A.B., Smith, 1922; A.M., Radcliffe, 1923. The Transformation of the Tory Party after 1780. *Radcliffe*.
- *Hartley W. Cross; A.B., Springfield, 1923; A.M., Clark, 1924. The Status of the British Dominions. *Clark*.
- E. DeHass; A.B., Hunter, 1923; A.M., Columbia, 1925. The Bail System in England. *Columbia*.
- A. E. Elliott; A.B., Drake, 1915; A.M. College of Missions. Paraguay. A Case Study in Missionary Education. *Columbia*.
- Margaret Bonine Fox; A.B., Michigan, 1925. The Development and Use of Questions in the House of Commons. *Michigan*.
- Virginia Elizabeth Fox; A.B., Stanford, 1927; A.M., *ibid.*, 1928. Origins of the Third International. *Stanford*.
- Sooren Frankian; A.B., California, 1924; A.M., *ibid.*, 1926. British Foreign Policies and the League of Nations. *California*.
- Frederic W. Ganzert; A.B., California, 1926; A.M., *ibid.*, 1927. Brazil and the Pacific Settlement of International Disputes. *California*.
- Abraham Gertner; A.B., Ohio, 1929; A.M., Yale, 1930. The Relation of Enactment to Existing Custom in England before Edward III. *Yale*.
- C. Grove Haines; A.B., Ursinus College, 1927; A.M., Clark, 1928. Italian Irredentism. *Clark*.
- Sylvester Hemleben; A.B., Iowa, 1927; A.M., *ibid.*, 1928. The British Dominions in the League of Nations. *Columbia*.
- Charles Roger Hicks; A.B., Clark, 1915; A.M., Stanford, 1922. The History of Foreign Interests in the Shanung and Liactung Peninsulas. *Clark*.

- *Yung-Chi Hoe; A.B., Beloit, 1926; A.M., Harvard, 1927. *Mixed Monarchy; A Study of Political Thought from the Mid-Sixteenth to the Mid-Seventeenth Century, Chiefly in France and England.* Harvard.
- *Lucretia L. Ilsley; A.B., Mt. Holyoke, 1928; A.M., Illinois, 1929. *The Administration of Mandates by the British Dominions.* Illinois.
- William Crane Johnstone, Jr.; A.B., Denver, 1924; A.M., *ibid.*, 1927. *Administration of the International Settlement of Shanghai, China.* Stanford.
- Margaret A. Judson; A.B., Mount Holyoke, 1922; A.M., Radcliffe, 1923. *The Growth of the Theory of Parliamentary Sovereignty in England between 1640 and 1660.* Radcliffe.
- Nicholas Kallichas; A.B., Robert College (Constantinople), 1914. *The Greek Constitution of 1927.* Columbia.
- K. P. Kirkwood; A.B., Toronto, 1922; A.M., Columbia, 1927. *The Solution of the Minority Problem in Turkey.* Columbia.
- John D. Lewis; A.B., Oberlin, 1928; A.M., Wisconsin, 1929. *The Doctrine of State Immunity from Suit in English and American Law.* Wisconsin.
- Chuang Liu; Ph.B., Chicago, 1920. *The Chinese Civil Service.* Chicago.
- W. H. Ma; A.B., Nanking, 1924. *American Policy Toward China as Shown in the Debates of the United States Congress.* Columbia.
- William Percy Maiddox; A.B., St. Johns, 1921; A.B., Oxford, 1925. *The British Labor Party and Foreign Affairs.* Harvard.
- Hucheshaw G. Mudgal; A.M., Columbia, 1928. *Political Parties in India; A Study in Contrasts.* Columbia.
- Pargat S. Muhar; A.B., California, 1925; A.M., *ibid.*, 1926. *Contemporary Political Thought in India.* Harvard.
- Bunji Omura; A.B., College of the Pacific, 1929. *Local Government of Japan.* Columbia.
- Wen Ying Peng; A.B., Tsing Hua College, Peking, 1925; A.B., Wisconsin, 1927; A.M., Columbia, 1928. *The Chinese Nationalist Movement.* Columbia.
- *Robert T. Pollard; A.B., Ohio State, 1922; A.M., *ibid.*, 1923. *Some Aspects of China's Foreign Relations, with Particular Reference to the Revision of her Treaties Since 1918.* Minnesota.
- E. W. Rogers; A.B., Pacific, 1922; A.M., Columbia, 1926. *Mediterranean Policy of Italy, 1920-1927.* Columbia.
- Masao Matsumoto Suma; A.B., Stanford, 1927; A.M., *ibid.*, 1928. *Administration of Governmental Finances in Japan.* Stanford.
- Sterling H. Takeuchi; A.B., Texas, 1925; A.M., *ibid.*, 1926. *Control of Foreign Relations in Japan.* Chicago.
- Edgar C. Tang; A.B., Boone (China), 1922; J.B., Missouri, 1926; A.M., *ibid.*, 1927. *The Theory and Practice of the Yu-Sze System in China.* Harvard.
- Edgar C. Tang; A.B., Boone (China), 1922; A.M., Missouri, 1927. *Constitutional Development of China.* Columbia.
- Felix Vondracek; A.B., Iowa, 1923; A.M., *ibid.*, 1924. *The Foreign Policy of Czechoslovakia.* Columbia.
- William C. White; A.B., Princeton, 1923; A.M., Pennsylvania, 1925. *The Government of Soviet Russia.* Pennsylvania.
- H. C. Wu; Ph.B., Wisconsin, 1926; A.M., Columbia, 1927. *Whips in the British House of Commons.* Columbia.

INTERNATIONAL ORGANIZATION AND POLITICS AND
INTERNATIONAL LAW

- Pedro F. Abstarde*; A.B., California, 1925; A.M., 1930. Tariff Imperialism in the Philippines. *Columbia*.
- Willard Barber*; A.B., Stanford, 1928; A.M., *ibid.*, 1929. Spain in the League of Nations. *Columbia*.
- Eric Lloyd Barr*; U. S. Naval Academy, 1911. The Naval Officer in International Law and Diplomacy. *Washington* (Seattle).
- George Herbert Bowers*; A.B., Nebraska, 1923; A.M., *ibid.*, 1928. Transfers of African Territory. *Chicago*.
- Dennis William Brogan*; A.M., Glasgow, 1922. International Aspect of Irish Nationalism. *Harvard*.
- Stewart Frederick Bryant*; U. S. Naval Academy, 1913. International Aspects of Naval Disarmament. *Stanford*.
- Don Burdick*; A.B., Washington, 1921. The Financial and Economic Reconstruction of China. *Washington* (Seattle).
- A. Beatrice Buse*; A.B., Montana, 1918. Pacific International Relations. *Columbia*.
- Claude A. Buss*; A.B., Grove City, 1924. Tariff Autenomy in China. *Pennsylvania*.
- Robert Hackney Cardwell*; A.B., Tennessee, 1926; A.M., *ibid.*, 1927. United States Policy of Arbitration. *Columbia*.
- Lincoln H. Cha*; A.B., Boone (China), 1922; B.L.S., Illinois, 1929; A.M., *ibid.*, 1930. Liability in the Law of Aviation. *Illinois*.
- Yi-Ting Chang*; Ph.B., Chicago, 1929; A.M., 1930. Interpretation of Treaties by International Tribunals. *Columbia*.
- C. Joseph Chacko*; A.B., S.P.G. College Trichinopoly (Madras University), 1923; A.M., Columbia, 1927. International Waterways, with Special Reference to the International Joint Commission Between United States and Canada. *Columbia*.
- Lois A. Childs*; A.B., Wellesley, 1922; A.M., Columbia, 1925. The Cape to Cairo Railway. *Columbia*.
- Asher Norman Christensen*; A.B., Minnesota, 1924. The Control of Foreign Relations in Spain. *Chicago*.
- P. C. Chu*; Nan Woo College, China, 1915. Title to Territory under International Law. *Chicago*.
- Helen May Cory*; A.B., Northwestern, 1925; A.M., *ibid.*, 1927. Compulsory Arbitration. *Columbia*.
- Bao-Lin Dai*; A.B., Shanghai College, 1923. The Policy of Coöperative Action Among the Powers Toward China Since the Washington Conference. *Johns Hopkins*.
- Lora Lucile Deere*; A.B., Illinois, 1927; A.M., *ibid.*, 1928. Political Offenses in the Practice of Extradition. *Razcliffe*.
- Marjorie Ruth Dilley*; A.B., Colorado, 1923; A.M., Washington, 1928. Recent Developments in the Technique of British Colonial Administration. *Washington* (Seattle).
- Bernadotte M. Dolan*; A.B., St. Joseph's College, 1927. The Lateran Accord. *Columbia*.
- Annie Mae Engel*; A.B., Texas, 1927; A.M., *ibid.*, 1928. Rubber as a Factor in International Relations. *Columbia*.

- Walter W. Engelke; A.B., Wisconsin, 1929; A.M., *ibid.*, 1930. The Teaching of International Relations in Middle Western Colleges and Universities. *Wisconsin*.
- James Anderson Gathings; A.B., Furman, 1925. American Policy with Respect to the Property of Alien Enemies. *Chicago*.
- Alexander Ginsberg; A.B., Cornell, 1926. The Effect of Treaties upon States not Parties Thereto. *Columbia*.
- Esther Gomborov; A.B., Goucher College, 1927. Visit and Search in Time of Peace. *Johns Hopkins*.
- Welles A. Gray; A.B., Minnesota, 1923; A.M., *ibid.*, 1924. The International Sanction. *Harvard*.
- Solly A. Hartzo; A.B., Washington and Lee, 1921; A.M., Columbia, 1924. The Parties to Treaties. *Chicago*.
- John G. Herndon; A.B., Washington and Lee, 1910; A.M., *ibid.*, 1912. International Reciprocity in Income Taxation. *Pennsylvania*.
- Larren J. Hsiang; A.B., Wisconsin, 1929; A.M., *ibid.*, 1930. The British Labor Party in Relation to the League of Nations. *Wisconsin*.
- Tun C. Hsu; A.B., Wisconsin, 1928; A.M., *ibid.*, 1929. The Council of the League of Nations. *Wisconsin*.
- Hoen Zoe Hu; A.B., Fuh-Tan, 1925; LL.B., Comparative Law School, China, 1926; A.M., Columbia, 1927. Treaty Revision Under the Covenant. *Columbia*.
- Po-Wen Huang; A.B., Harvard, 1916; A.M., Columbia, 1928. Foreign Tariff Control of Debtor Countries. *Columbia*.
- T. Y. Huang; A.B., Soochow University, 1929; A.M., Illinois, 1930. Rebus Sic Stantibus. *Johns Hopkins*.
- Irby Hudsoz; A.B., Vanderbilt, 1906; A.M., *ibid.*, 1911. Free Tolls at Panama. *Columbia*.
- Joseph M. Jones; A.B., Baylor, 1928; A.M., Pennsylvania, 1929. European Tariff Retaliation. *Pennsylvania*.
- Warren H. Kelchner; S.B., Pennsylvania, 1924. The Relations of Latin America to the League of Nations. *Pennsylvania*.
- Robert P. Lane; The Naval Building Policy of the United States. *Chicago*.
- Perry Laukhuff; A.B., Otterbein, 1927; A.M., Harvard, 1928. The Central American Court of Justice, 1907-18. *Harvard*.
- James J. Lenoir; A.B., Mississippi, 1927; A.M., *ibid.*, 1929. Interpretation of International Law by the Supreme Court of the United States. *Illinois*.
- J. A. Levandis; S.B., Delaware, 1921; A.M., Columbia, 1922. International Financial Control of Greece. *Columbia*.
- Ngo Chiang Liu; The International Status of Tibet. *Chicago*.
- Tung Chi Liu; A.B., Michigan, 1928; A.M., *ibid.*, 1929. The Manchurian Problem Restated; The Realities to be Considered. *California*.
- Wen-Hwan Ma; A.M., Columbia, 1929. Congressional Opinion of China. *Columbia*.
- *Rob Roy MacGregor; A.B., S.M.U., 1924; A.M., Clark, 1926. The Treaty of 1846: Seventeen Years of American-Columbian Relations (1830-46). *Clark*.
- Jules O. Malfroy; LL.B., New Zealand, 1924; LL.M., *ibid.*, 1925; LL.B., Cambridge, 1928. International Law and Relations In and Around the Pacific Ocean. *Columbia*.

- Mary Mangigian*; B.S., Pennsylvania, 1927; A.M., *ibid.*, 1929. The Status of Armenia in International Law. *Pennsylvania*.
- Harvey C. Mansfield*; A.B., Cornell, 1927; A.M., *ibid.*, 1928. The Lake Cargo Controversy. *Columbia*.
- Ruth D. Masters*; A.M., Columbia, 1929. Enforcement of International Law in the Courts of Germany, France, Belgium, and Switzerland. *Columbia*.
- W. Mauck*; A.B., Hillsdale, 1921; A.M., Columbia, 1927. The International Régime of the Saar Basin. *Columbia*.
- Helen Margaret Moats*; A.B., Mount Holyoke, 1928. The Personnel of the Organs of the League of Nations. *Chicago*.
- Ralph J. Moore*; A.B., Minnesota, 1929; LL.B., *ibid.*, 1928; A.M., *ibid.*, 1929. Prize Law in Municipal Law and International Law. *Minnesota*.
- Ernest K. Mortwake*; A.B., Harvard, 1923; A.M., *ibid.*, 1927. Relation of Peace Treaties to Pre-existing Treaties. *Harvard*.
- Vernon A. O'Rourke*; Associate in Arts, Flint Junior College, 1929. National Sovereignty and American Isolation. *Johns Hopkins*.
- G. Noble*; A.B., Oxford, 1915; A.M., *ibid.*, 1923. French Opinion and American Policy at the Peace Conference. 1919. *Columbia*.
- Ralph A. Norem*; A.B., Minnesota, 1921; A.M., *ibid.*, 1928. The Shantung Question. *Minnesota*.
- Ralph E. Page*; A.B., Bluffton, 1926; A.M., Syracuse, 1928. Reciprocity Laws and Agreements. *Syracuse*.
- No-Yong Park*; A.B., Minnesota, 1927; A.M., Harvard, 1930. China in the League of Nations: A Chapter in China's Foreign Relations. *Harvard*.
- Yoo-Hsiang Peng*; S.B., Miami, 1921; A.M., Columbia, 1922. Relations Between China and France. *Columbia*.
- Eleanor Poland*; A.B., Radcliffe, 1923; A.M., *ibid.*, 1926. Diplomatic Negotiations Concerning Canadian-American Reciprocity, 1871-1911. *Radcliffe*.
- C. Gordon Post*; A.B., Johns Hopkins, 1926. Church and State. *Johns Hopkins*.
- L. King Quinn*; A.B., Columbia, 1929. Propaganda in the World War. *Columbia*.
- **Helen Dwight Reid*; A.B., Vassar, 1923; A.M., Radcliffe, 1924. International Servitudes in Law and Practice. *Radcliffe*.
- Henry Reiff*; A.B., Harvard, 1925; A.M., Michigan, 1926; A.M., Harvard, 1928. The Enforcement of Certain Multilateral Treaties in the United States. *Harvard*.
- Grace E. Rhoads, Jr.*; A.B., Bryn Mawr, 1922; A.M., *ibid.*, 1928. Amendments of the Covenant of the League of Nations. *Bryn Mawr*.
- Cromwell A. Riches*; A.B., Reed, 1925; A.M., Columbia, 1926. The Unanimity Rule and Equality of Representation in International Bodies in Relation to the Doctrines of State Sovereignty and State Equality. *Johns Hopkins*.
- Paul H. Ritterskamp*; A.B., Indiana, 1923. Foreign Competition in the Domestic Market and the International Attitude of the United States. *Chicago*.
- D. V. Sandifer*; A.B., Eureka College, 1924; A.M., Columbia, 1928. The History and Organization of the Pan-American Union. *Columbia*.
- Giovanni Schiabo*; A.B., Johns Hopkins, 1919. The Triple Alliance. *Columbia*.
- Sanford Schwarz*; A.B., College of the City of New York, 1924; A.M., Columbia, 1925. Questions Relating to Private Property Under the Peace Treaties of 1919 and 1920. *Columbia*.

- John F. Shreiner*; A.B., Oberlin, 1917; A.M., Williams, 1922. *International Regulation of Finance. Wisconsin.*
- Marshall L. Spaulding*; A.B., University of California at Los Angeles, 1928. *Ten Years of Treaty-Making in the United States. Johns Hopkins.*
- **H. Arthur Steiner*; *The Treaty-Making Power in the British Empire, France, and Germany. California.*
- Thomas Leland Stock*; A.B., Stanford, 1927. *Membership in the League of Nations. Stanford.*
- Benjamin O. Stoner*; A.B., Manchester, 1928. *Immunity of Government Agencies in National Courts. Chicago.*
- John E. Stoner*; A.B., Manchester, 1926. *The Origins of the Kellogg-Briand Peace Pact. Chicago.*
- Timothy A. Taracous-Taracouzio*; A.M., Southern California, 1927; *ibid.*, Harvard, 1928. *International Law in the Light of Communistic Theory in Practice of the U.S.S.R. Harvard.*
- Harold J. Tobin*; A.B., Dartmouth. *Defects of the Federal System in International Relations. Columbia.*
- Dorothy Trautwein*; A.B., Radcliffe, 1929; A.M., Columbia, 1930. *The Law of Submarine Warfare. Columbia.*
- K. M. Tsu*; A.B., Nanking, 1927. *Restitution of Leased Areas and Concessions to China. Johns Hopkins.*
- Clifton Utley*; Ph.B., Chicago, 1926. *Strategic Background of Modern War. Chicago.*
- Donald Edward Van Koughnet*; A.B., Minnesota, 1928; A.M., *ibid.*, 1929. *The Council of the League of Nations, with Special Reference to Procedure. Harvard.*
- William Verhage*; A.B., Lawrence College, 1928; A.M., Oberlin, 1929. *The Theory and Practice of International Cooperation, with Particular Reference to International Relations With and Concerning China After 1895. Minnesota.*
- Hilda Watters*; A.B., Iowa, 1927; A.M., Iowa, 1929. *The Policy of the United States with Regard to Disputes Involving National Honor, Territorial Integrity, Vital Interest, Public Policy, and Third Parties. Iowa.*
- Albert C. F. Westphal*; A.B., Columbia, 1929. *American Participation in the League of Nations. Columbia.*
- Lyman C. White*; A.B., Iowa; A.M., Columbia. *Private International Organization. Columbia.*
- Wilbur W. White*; A.B., Ohio State, 1924. *The Status of Arabian Foreign Relations. Chicago.*
- ✓ *H. A. Wilkinson*; A.B., Johns Hopkins, 1929. *State Succession. Johns Hopkins.*
- Eleanor Wooley*; A.B., Bryn Mawr, 1927. *Revolutions and the Theory of United States Control in Central America. Columbia.*
- Chan S. Young*, A.B., Nanking, 1926; A.M., Missouri, 1927. *International Conferences as an Agency of Codification and Development of International Law. Indiana.*
- Frederick L. Zimmerman*; A.B., Columbia, 1928. *Sovereign Immunity in International Law. Columbia.*
- Susanna W. P. Zwemmer*; A.B., Columbia, 1919; A.M., Northwestern, 1927. *African Mandates of the League of Nations. Northwestern.*

GOVERNMENT AND SOCIAL PROBLEMS

- Ruth Whitney Barrett*; A.B., Radcliffe, 1923; A.M., California, 1924. The Administration of Labor Laws Protecting Women and Children in Massachusetts. *Radcliffe*.
- John S. Bradley*; A.B., Haverford College, 1911; A.M., *ibid.*, 1915; LL.B., Pennsylvania, 1924. The Legal Aid Bureau. *Pennsylvania*.
- Hui-Wen Chang*; A.B., Stanford, 1929; A.M., *ibid.*, 1930. The Development of the Civil Service Examination in China. *Stanford*.
- Cyril L. Coombs*; LL.B., Nebraska, 1928; A.B., *ibid.*, 1928; A.M., *ibid.*, 1930. Legal and Political Status of Women in Nebraska. *Nebraska*.
- W. Brooke Graves*; A.B., Cornell, 1921; A.M., Pennsylvania, 1923. State Government Publicity. *Pennsylvania*.
- Elma Greenwood*. Fields of Endeavor for Women in Civic and Political Organizations. *Syracuse*.
- Harvey Lebron*; A.B., Temple, 1912; A.M., Pennsylvania, 1914. Social Treatment of Old Age Dependency in the State of New York. *Stanford*.
- Edward M. Martin*; A.B., Oberlin, 1916. The Role of the Chicago Bar Association in Judicial Elections. *Chicago*.
- N. W. McGee*; A.B., Iowa State Teachers College, 1922; A.M., Iowa, 1928. Public Health Administration in Iowa. *Iowa*.
- Wayne B. Morse*; Ph.B., Wisconsin, 1923; A.M., *ibid.*, 1924; LL.B., Minnesota, 1928. Legal Aspects of Mental Responsibility. *Columbia*.
- Charles P. O'Donnell*; A.B., DePaul, 1926. Catholic Participation in Politics. *Chicago*.
- John F. Thompson*; A.B., Pomona, 1927; A.M., Harvard, 1928. The Political Aspects of the Enactment and Enforcement of Women's "Hours of Labor" Laws in New York State. *Harvard*.
- W. E. Waltz*; A.B., Missouri State College, 1924; A.M., Missouri, 1927. The Nationality of Married Women. *Illinois*.
- W. Valdo Weber*; A.B., Iowa, 1928; A.M., *ibid.*, 1929. Causes of Delay in the Administration of Justice. *Iowa*.
- Bradford W. West*; A.B., Amherst, 1923; A.M., California, 1925. Major Financial Problems in the Public Care of the Insane; A Study in Public Finance. *Pennsylvania*.

RECENT PUBLICATIONS OF POLITICAL INTEREST BOOKS AND PERIODICALS

CHARLES M. KNEIER AND CHARLES S. HYNEMAN
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

Alexander, Norman. Rights of aliens under the federal constitution. Montpelier (Vt.): Capitol City Press.

Bartlett, Ruhl Jacob. John C. Fremont and the republican party. Columbus (Ohio): Ohio State Univ.

Bassett, John Spencer, ed. Correspondence of Andrew Jackson. Vol. 5, 1833-1838. Washington: Carnegie Institution.

Beard, Charles A. American government and politics. (Sixth ed.) Pp. xii + 831. N. Y.: Macmillan.

Beauvoir, Vilfort. Le contrôle financier du gouvernement des États-Unis d'Amérique sur la République d'Haïti. Pp. xi + 268. Paris: Recueil Sirey.

Blakey, Roy G. Report on taxation in West Virginia. Charleston (W. Va.): Jarrett Printing Co.

Breckenridge, Sophonisba P. Marriage and the civic rights of women. Chicago: Univ. of Chicago Press.

Burn, Grace M. Social insurance. N. Y.: Int. Pamphlets.

Callcott, Mary Stevenson. Child labor legislation in New York. (American Social Progress Series, edited by Samuel McCune Lindsay.) Pp. 267. N. Y.: Macmillan.

Carter, Clarence E. The correspondence of General Thomas Gage with the secretaries of state, 1763-1775. Vol. 1. Pp. 467. New Haven: Yale Univ. Press.

Clark, John D. The federal trust policy. (Johns Hopkins Univ. Studies.) Pp. 310. Baltimore: Johns Hopkins Press.

Conger, A. L. The rise of U. S. Grant. N. Y.: Century.

Cunningham, Auburn S., comp. Everything you want to know about the presidents. Pp. 135. Chicago: McClurg.

Dagget, Harriet S. The community property system of Louisiana, with comparative studies. Baton Rouge (La.): La. State Univ. Press.

Douglas, Paul H., and *Director, Aaron.* The problem of unemployment. Pp. 524. N. Y.: Macmillan.

Douglas, Earl L. Prohibition and common sense. N. Y.: The Alcohol Information Committee.

Elsbree, Hugh L. Interstate transmission of electric power. Cambridge: Harvard Univ. Press.

Ewing, Cortez A. M., and *Dangerfield Royden J.* Documentary source book in American government and politics. Boston: D. C. Heath.

Faulkner, Harold U. The quest for social justice, 1898-1914. (History of American Life, edited by A. M. Schlesinger and D. R. Fox.) N. Y.: Macmillan.

Fowler, Nathaniel Clark, Jr. How to obtain citizenship. (Rev. ed.) Pp. 170. N. Y.: Sully.

- Garrison, Elisha E.* Roosevelt, Wilson and the federal reserve law. Pp. 367. Boston: Christopher Pub. House.
- Har, Kyung Durk.* Social laws. Chapel Hill (N. C.): Univ. of N. C. Press.
- Hart, Albert Bushnell*, ed. Commonwealth history of Massachusetts. 5 vols. Pp. 3216. N. Y.: States History Co.
- Haynes, George Henry.* The life of Charles G. Washburn. Boston: Houghton Mifflin.
- Hitchins, Fred H.* The colonial land and emigration commission. Pp. 344. Philadelphia: Univ. of Pa. Press.
- Lasker, Bruno.* Filipino immigration to continental United States and to Hawaii. Pp. 467. Chicago: Univ. of Chicago Press.
- Love, Robert A.* Federal financing. Pp. 261. N. Y.: Columbia Univ. Press.
- Lynch, William O.* Fifty years of party warfare (1789-1837). Pp. 506. Indianapolis: Bobbs-Merrill.
- McCaleb, W. F.* Roosevelt. N. Y.: Albert & Charles Boni.
- McCracken, Duane.* Strike injunctions in the new south. Chapel Hill (N. C.): Univ. of N. C. Press.
- Magruder, Frank A.* American government. (Rev. ed.) Pp. 608. Boston: Allyn & Bacon.
- Miller, Clarence A.* The legislative evolution of the interstate commerce act. Pp. 540. Washington: John Byrne & Co.
- Millis, Walter.* The martial spirit: a study of our war with Spain. Boston: Houghton Mifflin.
- Munro, William Bennett.* The government of the United States: national, state, and local. (Third ed.) Pp. ix+795. N. Y.: Macmillan.
- Myers, William Starr.* The American government of today. Pp. viii+563. N. Y.: Harper's.
- National Industrial Conferer-cs Board.* Cost of government in the United States, 1928-1929. Pp. xv+159. N. Y.: Nat. Ind. Conf. Board.
- National Industrial Conference Board.* State and local taxation of business corporations. Pp. xii+177. N. Y.: Nat. Ind. Conf. Board.
- National Industrial Conference Board.* The support of the aged: a review of conditions and proposals. N. Y.: Nat. Ind. Conf. Board.
- National Industrial Conference Board.* Trends in the foreign trade of the United States. Pp. 329. N. Y.: Nat. Ind. Conf. Board.
- Ogg, Frederic A., and Ray, P. Orman.* Introduction to American government. (Century Pol. Sci. Series; fourth ed.) Pp. xi+1025. N. Y.: Century.
- Richards, William E.* Patents, trade-marks and copyrights; law and practice. Pp. 120. N. Y.: Richards & Geier.
- Riegel, Robert E.* America moves west. Pp. 595. N. Y.: Holt.
- Rohlfing, Charles C.* National regulation of aeronautics. Philadelphia: Univ. of Pa. Press.
- Roz, Firmin.* De Roosevelt à Hoover (1910-1930). Pp. 300. Paris: Libr. Plon.
- Sharfman, I. L.* The interstate commerce commission: a study in administrative law and procedure. Pp. 335. N. Y.: Commonwealth Fund, division of publications.
- Smith, D. H., and Betters, P. F.* The United States shipping board. Washington: Brookings Inst.

Spahr, Walter Earl. The federal reserve system and the control of credit. Pp. 156. N. Y.: Macmillan.

Taussig, Frank W. The tariff history of the United States. Pp. 548. N. Y.: Putnam.

Thomas, Norman. America's way out: a program for democracy. Pp. 324. N. Y.: Macmillan.

Van Deusen, R. J., and E. K. Porto Rico. N. Y.: Holt.

Wallace, Robert. Letters to President Woodrow Wilson. London: Stockwell.

Woody, Carroll H. The case of Frank L. Smith: a study in representative government. Pp. 402. Chicago: Univ. of Chicago Press.

Articles

Administrative Reorganization. Administrative reorganization in Maine. *Orren C. Hormell*. Nat. Mun. Rev. Mar., 1931.

Administrative Tribunals. Important work of Uncle Sam's lawyers. *Charles E. Hughes*. Am. Bar. Assoc. Jour. Apr., 1931.

———. Administrative finality. *A. M. Tollefson*. Mich. Law Rev. May, 1931.

Aliens. Our unnaturalized foreigners. *Harold Fields*. Current Hist. May, 1931.

Anti-Trust Legislation. Our anti-trust laws and the economic situation. *D. L. Podell*. Am. Bar. Assoc. Jour. Apr., 1931.

———. Limits of trade association activity under the anti-trust act. *Note Editor*. Mich. Law Rev. May, 1931.

———. Restrictive patent licenses and restraint of trade. *Alfred McCorryack*. Columbia Law Rev. May, 1931.

Aviation. Extent to which the federal government may control aviation within the state. *John Pheney*. Detroit Law Rev. Jan.-Feb., 1931.

———. Criminal violations of administrative regulations. *Albert Lange-luttig*. State aeronautical regulation of 1930. *F. D. Flagg, Jr.* Federal airship foreign commerce bill. *A. W. Knauth*. Jour. Air Law. Apr., 1931.

Bankruptcy Act. The U. S. bankruptcy act. *T. D. Thacher*. N. Y. Bar Assoc. Bull. Oct., 1930.

Birth Control. Proposed federal legislation for birth control. *Symposium*. Cong. Digest. Apr., 1931.

Blue-Sky Law. Blue-sky law in Wisconsin. *B. V. Bitker*. Marquette Law Rev. Apr., 1931.

Boulder Dam. Economic aspects of the Boulder Dam project. *P. T. Homar*. Quar. Jour. Econ. Feb. 1931.

Brandeis. Mr. Justice Brandeis: a student of social and economic science. *A. T. Mason*. Pa. Law Rev. Apr., 1931.

———. The social and economic views of Mr. Justice Brandeis. *Joseph C. Hutcheson, Jr.* Yale Law Jour. May, 1931.

Censorship. Indirect censorship of radio programs. *Case and Comment Editor*. Yale Law Jour. Apr., 1931.

Child Welfare. Relation of juvenile delinquency to outdoor relief. *T. E. Sullenger*. Sociol. and Soc. Research. Jan.-Feb., 1931.

———. The state's responsibility for its working children. *Frances Perkins*. Am. Federationist. May, 1931.

———. Mothers' aid legislation and child welfare. *K. F. Lenroot*. Am. Federationist. May, 1931.

Citizenship. Woman's victory for full citizenship. *John L. Cable*. Current Hist. June, 1931.

Congress. "Czar" Reed: speaker of the House. *Simeon Strunsky*. Current Hist. Apr., 1931.

———. The capitol follies—71st edition. *J. S. Gregory*. Outlook. May 18, 1931.

———. The power of congress to declare peace. *Forrest R. Black*. Ky. Law Jour. May, 1931.

Conservation. Legal technique and national control of the petroleum industry. *R. F. Fuchs*. The need for conservation of oil and gas. *H. C. Hanke*. Oil and gas legislation in Oklahoma. *F. R. Rodgers*. The California oil-gas conservation acts. *N. F. Delporte*. The regulation of oil and gas production by the railroad commission of Texas. *L. G. Conreux*. History of government property in minerals in the United States. *T. Lewin*. St. Louis Law Rev. Apr., 1931.

Constitutional Amendment. Amending the constitution. *F. S. Key-Smith*. Lawyer and Banker. Mar.-Apr. 1931.

———. Sovereignty and the federal amending power. *L. B. Orfield*. Ia. Law Rev. Apr., June, 1931.

Constitutional Law. Constitutional limitations on judicial process. *R. E. Manson*. Constitutionality of Texas courts of exceptional jurisdiction and organization. *M. L. Cook*. Texas Law Rev. Apr., 1931.

———. Constitutional law—condition requiring domestic incorporation. *A. R. Pitcoff*. Boston Univ. Law Rev. Apr., 1931.

———. Effect of the fourth and fifth amendments on the use of evidence unlawfully obtained. *N. B. O. Va.* Law Rev. Apr., 1931.

———. Valuation of easements in condemnation of elevated railroads. *Case and Comment Editor*. The permanence of constitutionality. *Note Editor*. Yale Law Jour. Mar., May, 1931.

———. The indigent motorist and the constitution. *A. J. O'Keefe, Jr.* South. Calif. Law Rev. Apr., 1931.

Contempt of Court. Constructive contempt of court—publications tending to interfere with the administration of justice. *Minn. Law Rev.* Mar., 1931.

Counterfeiting. Keeping up with counterfeiters. *J. T. Haber*. Bankers Mag. Apr., 1931.

Criminal Statutes. Criminal statutes in 1930. *Joseph P. Chamberlain*. Am. Bar Assoc. Jour. Apr., 1931.

Dartmouth College Case. The Dartmouth College case. *H. H. Hagan*. Georgetown Law Jour. May, 1931.

Declaratory Judgments. The constitutionality of declaratory judgments. *Edwin M. Borchard*. Columbia Law Rev. Apr., 1931.

Deportation. Doak, the deportation chief. *Gardner Jackson*. Nation. Mar. 18, 1931.

Due Process. Due process of law in Nebraska: police power—I. *David Fellman*. Neb. Law Bull. Feb. 1931.

———. Constitutionality of statutes regulating commissions of insurance agents. *N. W. H. Va. Law Rev.* Mar., 1931.

———. Restraint on use of property in interest of the aesthetic. *Note Editor. Ia. Law Rev.* Apr., 1931.

———. Constitutional law—regulation of billboards. *Frances Codd. Ore. Law Rev.* Apr., 1931.

———. Limitation of insurance agent's commission—public interest. *H. E. Nair. Boston Univ. Law Rev.* Apr., 1931.

Economic Council. A federal economic council. *Lewis L. Lorwin. New Repub.* Apr. 29, 1931.

Education. A history of the Indiana state board of education. *L. N. Hines. Indiana Mag. Hist.* Mar., 1931.

———. School legislation in Illinois. *Carl Green. Ill. Mun. Rev.* Mar., 1931.

Election Codes. Pennsylvania moves to modernize election code. *Albert B. Mavis. Nat. Mun. Rev.* Apr., 1931.

Extradition. A proposed correction of the Illinois act to facilitate extradition. *Abraham Drucker. Ill. Law Rev.* June, 1931.

Farm Board. The program of the federal farm board. *J. S. Davis. Am. Econ. Rev.* Mar., 1931. (Supp.)

———. The wheat chaos—pool or ruin? *Barrow Lyons. Nation.* May 27, 1931.

Federal Relations. The great lakes suits. *Hamilton Ward. N. Y. Bar Assoc. Bull.* Oct., 1930.

———. Missouri v. Holland—a judicial mile-post on the road to absolutism. *Forrest R. Black. Ill. Law Rev.* Mar., 1931.

———. Taxation—federal securities—validity of state corporate franchise tax measured by non-taxable subject. *Note Editor. Minn. Law Rev.* Apr., 1931.

———. New decisions on taxation in intergovernmental relations. *R. C. Brown. Ind. Law Jour.* Apr., 1931.

———. Preliminary analysis of concurrent jurisdiction. *H. E. Entema and G. H. Goffin. Distinction between the subject and the measure of taxation—governmental instrumentality doctrine. H. P. Pa. Law Rev.* May, 1931.

———. Dual regulation of commerce. *Louis Cox. Ky. Law Jour.* May, 1931.

Federal Trade Commission. The jurisdiction of the federal trade commission over false advertising. *Milton Handler. Columbia Law Rev.* Apr., 1931.

———. Meaning of the term "public interest" in the federal trade commission act. *T. H. Malone. Va. Law Rev.* May, 1931.

Government and Business. When and why Uncle Sam is forced into business. *Judson King. Pub. Utilities Fort.* Mar. 19, 1931.

———. Legal obstacles to business tendencies. *W. F. Gephart. St. Louis Law Rev.* Apr., 1931.

———. Let big business regulate itself. *Lincoln Steffens. Pub. Utilities Fort.* Apr. 2, 1931.

Government and the Press. Government departments and the press in the U. S. A. *F. R. Cowell. Pub. Admin.* Apr., 1931.

Governmental Expenditures. Financial burden of higher education in Oregon. *J. H. Gilbert. Commonwealth Rev.* Mar., 1931.

———. Wasting a billion a year. *Lawrence Sullivan. Atlan. M.* Apr., 1931.

- . Planning spending. *Harvey Walker*. State Govt. Apr., 1931.
- . The cost of American government. *Albert Bushnell Hart*. Current Hist. May, 1931.
- . Rising cost of government. *Joseph Byrne*. Current Hist. June, 1931.
- Governmental Functions.** The science of governmental structure and function. *E. F. Albertsworth*. Am. Law School Rev. May, 1931.
- Governor.** American governors since 1915. *Samuel R. Solomon*. Nat. Mun. Rev. Mar., 1931.
- . Sign on the dotted line. *Editor*. State Govt. Mar., 1931.
- . The Mississippi imbroglio. *C. E. Cason*. Va. Quar. Rev. Apr., 1931.
- . Governor La Follette. *Mauritz A. Hallgren*. Nation. Apr. 29, 1931.
- . Governors' messages 1931. *Harvey Walker*. Am. Pol. Sci. Rev. May, 1931.
- . Do governors meet for fun? *Editor*. State Govt. June, 1931.
- Haiti. Haiti marches toward freedom. *Ernest Gruening*. Nation. Apr. 1, 1931.
- Highways. State highway maintenance police force. *Walter L. Moody*. Ill. Mun. Rev. Mar., 1931.
- Holmes. The political philosophy of Mr. Justice Holmes. *Harold J. Laski*. Mr. Justice Holmes' view of legal science. *Hessel E. Yntema*. Yale Law Jour. Mar., 1931.
- . Justice Holmes at ninety. *Charles Evans Hughes*. Rev. of Revs. Apr., 1931.
- Hoover. Hoover—the new phase. *John Spargo*. No. Am. Rev. Apr., 1931.
- Impeachment. Legislative pardon for impeachment in Texas. *Frank M. Stewart*. Am. Pol. Sci. Rev. May 1931.
- Indian Problem. The American Indian's rehabilitation. *Ray Lyman Wilbur*. Current Hist. May, 1931.
- Initiative Proposals. The vote on initiative proposals, 1930: an analysis. *Waldo Schumacher*. Commonwealth Rev. Mar., 1931.
- Judicial Council. The judicial council movement. *J. W. McClendon*. Tex. Law Rev. Apr., 1931.
- Judicial Review. The course of judicial review in the state of Ohio. *F. R. Aumann*. Am. Pol. Sci. Rev. May, 1931.
- . Judicial review of the deputy commissioner's award under the longshoremen's and harbor workers' act. *Austin W. Lewis*. Tulane Law Rev. June, 1931.
- Judiciary. Congestion in the superior court. *L. S. Cox*. Boston Univ. Law Rev. Apr., 1931.
- . Plan for a survey of lynching and the judicial process. *J. H. Chadbourne*. N. C. Law Rev. Apr., 1931.
- . Court of customs and patent office appeals. *Karl Fenning*. Am. Bar Assoc. Jour. May, 1931.
- . The thirty years' war on the supreme court. *Charles Kerr*. Va. Law Rev. May, 1931.
- . A Minnesota judgeship. *K. C. Sears*. Ill. Law Rev. June, 1931.
- Labor Legislation. Organization and functions of governmental labor agencies. Monthly Labor Rev. Mar., 1931.

———. Statutory qualifications of the privilege to inflict commercial injury. *Legislation Editor*. Columbia Law Rev. Apr., 1931.

———. Legislative regulation of wages and commissions. *A. A. Bruce*. Ill. Law Rev. May, 1931.

La Follette. Son of progressivism. *Barbara Giles*. Outlook, Apr. 1, 1931.

Legislation. Whither in state legislation? *G. C. Hester*. Southwest Rev. Apr., 1931.

Legislatures. Procedure of enactment of laws in the Oregon legislature. *Elbert Bede*. Commonwealth Rev. Mar., 1931.

———. The scope of statute law and the extent of the legislature's participation in its making. *Legislation Editor*. Harvard Law Rev. Apr., 1931.

———. 418 in one house. *George H. Duncan*. State Govt. Apr., 1931.

Legislative Commissions. The source of power. *Editor*. State Govt. Mar., 1931.

———. The legislature: watch-dog or house-dog. *Carroll H. Woody*. A speed limit for legislatures. *Arnold J. Lien*. State Govt. June, 1931.

Licensing Power. Constitutional law—excessive license and franchise taxes. *E. M. Perkins*. N. C. Law Rev. Apr., 1931.

———. Real estate license laws in theory and practice. *A. D. Theobald*. Jour. Land and Pub. Util. Econ. May, 1931.

Literacy Test. Operation of the literacy test for voters in New York. *Finla G. Crawford*. Am. Pol. Sci. Rev. May, 1931.

Marbury v. Madison. Les origines du contrôle judiciaire de constitutionnalité des lois fédérales aux Etats-Unis. *Marbury v. Madison*. *Jacques Lambert*. Rev. Droit Pub. Sci. Pol. Jan.-Mar., 1931.

Merger Movement. The persistence of the merger movement. *W. L. Thorp*. Am. Econ. Rev. Mar., 1931. (Supp.)

Mortgage Recordation. The extension of public recordation. *John Hanna*. Columbia Law Rev. Apr., 1931.

Muscle Shoals. The unsolved problem of Muscle Shoals. *Editor*. Rev. of Revs. Apr., 1931.

National Guard. The cost of the national guard. *W. H. Weldon*. Coast Artillery Jour. Mar.-Apr., 1931.

Old-Age Pensions. Old-age pensions in the United States. *Maurice Stack*. Int. Labour Rev. Feb., 1931.

Party Convention. Oregon's recent experience with a party convention. *James D. Barnett*. Nat. Mun. Rev. Mar., 1931.

Penal Administration. State organization for penal administration. *Clair Wilcox*. Jour. Crim. Law and Criminol. May, 1931.

Philippines. Philippine independence. *Symposium*. Cong. Digest. May, 1931.

———. Filipino immigration viewed as a peril. *C. M. Goethe*. Dwight F. Davis: governor-general of the Philippines. *H. Ford Wilkins*. Current Hist. June, 1931.

Police Power. The supreme court and the state police power, 1922-1930. *T. R. Powell*. Va. Law Rev. May, 1931.

Politics. The progressive conference. *Editor*. The need for a new party. Who might make a new party? Policies for a new party. *John Dewey*. New Repub. Mar. 25, Apr. 8, 1931.

———. Recent industrial growth and politics in the southern Appalachian region. *J. D. Barnhart*. *Miss. Valley Hist.* Feb. Mar., 1931.

———. 1932 is on the wing. *Samuel G. Blythe*. *Sat. Eve. Post*. Apr., 11, 1931.

———. Honesty in politics. *E. F. Warner*. *Forum*. Apr., 1931.

———. Is there hope for politics? *John Dewey*. *Scribner's*. May, 1931.

———. Water power vs. prohibition. *Silcs Bent*. *Pub. Utilities Fort.* May 14, 1931.

———. The 1932 presidential sweepstakes. *Frank R. Kent*. *Scribner's*. June, 1931.

Post Office Department. Post office censorship again. *Lawrence Rogin*. *Nation*. Apr. 8, 1931.

Power Question. Power and propaganda. *Ernest Gruening*. The failure of electric light and power regulation and some proposed remedies. *Ralph L. Dewey*. *Am. Econ. Rev.* Mar., 1931. (Supp.)

———. Public power and the people of Nebraska. *Lane W. Lancaster*. *Nat. Mun. Rev.* May, 1931.

———. The political bogey behind the power issue. *Wythe Williams*. *Pub. Utilities Fort.* Apr. 30, May 14, 1931.

———. Superpower—master or servant? *William Hard*. *World's Work*. June, 1931.

Prohibition. The problem of prohibition. *A. W. W. Woodcock*. *Current Hist.* Apr., 1931.

———. Liquor control. I. A substitute for prohibition. *H. W. Anderson*. II. How Sweden does it. *Ivan Eratt*. *Forum*. Apr., 1931.

———. Analyzing "the noble experiment." *J. A. Stevenson*. *Fort. Rev.* Apr., 1931.

———. Amending the 18th amendment. *Howard Lee McBain*. *Am. Mercury*. June, 1931.

Public Utilities. The effect of federal court decisions on state regulation. What the new governors think of regulation. *H. C. Spurr*. The looming of the St. Lawrence power project. *John Bauer*. The fifteen point program for the control of power. *Merle Thorp*. State commission control of gas and oil wastage. *J. M. Oskison*. Some fallacies of "customer ownership." *R. Husselman*. Oregon's unique experiment with a one-man utility commission. *Oswald West*. The cost of investigating the public utilities. *Herbert Corey*. *Pub. Utilities Fort.* Mar. 5, 19, Apr. 2, 16, 30, May 14, 1931.

———. Recent legislative proposals to classify newspapers and magazines as public utilities and to regulate them accordingly. *N. W. H. Va. Law Rev.* May, 1931.

———. The failure of electric light and power regulation and some proposed remedies. *Ralph L. Dewey*. *Am. Econ. Rev.* Mar., 1931. (Supp.)

———. How to control public utilities. *Guido H. Marx*. *Nation*. Apr. 1, 1931.

———. Supervision of railroad reorganization expenses by the interstate commerce commission. *Case and Comment Editor*. *Yale Law Jour.* Apr., 1931.

———. The convenience of the public interest concept. *J. A. McClain, Jr.* *Minn. Law Rev.* Apr., 1931.

———. Banking, a public utility analogy. *W. A. Neiswanger*. *Wis. Law Rev.* Apr., 1931.

———. Review in the lower federal courts of the orders of state public service commissions. *Note Editor*. Columbia Law Rev. Apr., 1931.

———. Public utilities: the quest for a concept. *T. P. Hardman*. W. Va. Law Quar. Apr., 1931.

———. The common carrier—public utility concept: a legal industrial view. *I. S. Rosenbaum*. Jour. Land and Pub. Util. Econ. May, 1931.

———. State utilities and the supreme court, 1922–1930. *T. R. Powell*. Mich. Law Rev. May, June, 1931.

———. Operation of a public utility after expiration of the franchise. *R. H. Owsley*. U. S. Law Rev. May, 1931.

———. Holding Companies. Extending utility regulation by commission control of contracts with holding companies. Practical operation of court rules on commission control of public utility holding companies. *Case and Comment Editor*. Yale Law Jour. Mar., May, 1931.

———. Regulation of public utility holding companies. *J. P. Chamberlain*. Am. Bar Assoc. Jour. June, 1931.

———. Motor Carriers. A review of common carrier motor vehicle regulation. *Karl Stecker*. Wash. Law Rev. Feb., 1931.

———. The motor bus controversy in Congress. *Symposium*. Cong. Digest. Mar., 1931.

———. Motors' challenge to the railroads. *Aldine R. Bird*. Current Hist. May, 1931.

———. Rates. Injecting the "prudent investment" factor into rate making. *H. F. Lane*. Why utility rates do not fluctuate with the values of securities. *P. W. Garrett*. Going value. *T. J. Tingley*. Pub. Utilities Fort. Mar. 5, 19, Apr. 30, 1931.

———. Depreciation as a factor in rate-making. *H. H. Naujoks*. Boston Univ. Law Rev. Apr., 1931.

———. The Hoch-Smith resolution and the consideration of commercial considerations in rate-fixing. *H. C. Mansfield*. Cornell Law Quar. Apr., 1931.

———. Valuation of land by public utility commissions. *E. M. Fisher*. Competition and electric rates. *J. W. Boatwright*. Jour. Land and Pub. Util. Econ. May, 1931.

Public Waters. The riddle of governmental power in the use of public waters. *E. C. Carman*. Com. Law League Jour. Mar., 1931.

Radio Regulation. Construction of the equality clause in the Davis amendment. *Keith Masters*. Jour. Radio Law. Apr., 1931.

———. State and municipal regulation of radio. *J. W. Van Allen*. Jour. Radio Law. Apr., 1931.

———. Interstate commerce-tax upon radio receiving sets. *T. T. O*. South. Calif. Law Rev. Apr., 1931.

———. Validity of state law imposing tax on radio receiving sets. *H. C. G*. Va. Law Rev. May, 1931.

———. Our stake in the ether. *B. M. Webster*. Am. Bar Assoc. Jour. June, 1931.

Railroad Consolidation. The "economies" of the proposed railroad consolidations. *Edward Hungerford*. Pub. Utilities Fort. Mar. 19, 1931.

———. Railroad consolidation and state corporations. *Note Editor*. Columbia Law Rev. Apr., 1931.

Sanford. Mr. Justice Edward Terry Sanford. *J. A. Fowler*. Am. Bar Assoc. Jour. Apr., 1931.

Self-Incrimination. Privilege against self-incrimination—fear of prosecution in another jurisdiction. *Edward Mather*. Tex. Law Rev. Apr., 1931.

Senate. Party irregularity in the senate of the United States, 1869–1901. *Thomas A. Bailey*. Southwestern Pol. and Soc. Sci. Quar. Mar., 1931.

———. The relations of the senate with the president. *Thomas Donnelly*. Social Science. Apr., 1931.

———. The power of the senate to unseat an officer whose appointment it has confirmed and notified the president thereof. *O. E. McGuire*. Pa. Law Rev. Apr., 1931.

State Constitutions. Renovating used constitutions. *Editor*. State Govt. Mar., 1931.

———. Constitutional changes in New York. *J. J. Bennett*. N. Y. Bar Assoc. Bull. May, 1931.

———. State constitutional development through amendment, 1930. *W. Leon Godshall*. The movement for revision of the California constitution. *Charles Aikin*. Am. Pol. Sci. Rev. May, 1931.

Stephen J. Field. Stephen J. Field: craftsman of the law. *Walter Nelles*. Yale Law Jour. Apr., 1931.

Supreme Court. The supreme court. *F. K. D.* Georgetown Law Rev. Mar., May, 1931.

Taxation. Tax reform in Tennessee. *Frank W. Prescott*. Nat. Mun. Rev. Mar., 1931.

———. Taxation of foreign corporations. *R. H. Crosby*. Lawyer and Banker. Mar.-Apr., 1931.

———. Constitutional objections to tax reform. Jurisdiction to tax debts. *C. L. B. Lowndes*. Georgetown Law Jour. Mar., May, 1931.

———. Constitutionality of statutes discriminating against chain stores. *Statute editor*. Ia. Law Rev. Apr., 1931.

———. An imaginary judicial opinion. *Thomas Reed Powell*. Harvard Law Rev. Apr., 1931.

———. The general sales tax in the fiscal system. *A. G. Buehler*. Harvard Bus. Rev. Apr., 1931.

———. Jurisdictional features of taxation. *Forney Nowlin*. Tex. Law Rev. Apr., 1931.

———. Memorandum on recent decisions relative to restraint and recovery of illegal taxes in Iowa. *O. P. Field*. Double taxation of intangible personality under inheritance tax laws. *Note Editor*. Ia. Law Rev. Apr., 1931.

———. Taxation of itinerant salesmen. *Case and Comment Editor*. Yale Law Jour. May, 1931.

———. Bases of jurisdiction in state taxation of inheritances and property. *C. L. B. Lowndes*. Mich. Law Rev. May, 1931.

———. Taxation—Minnesota—relief accorded taxpayers as to taxes illegally assessed or collected. *Note Editor*. Minn. Law Rev. May, 1931.

Territories. Our empire. *O. E. Strachbein*. No. Am. Rev. Apr., 1931.

Tort Claims. Governmental liability in tort. *Morris Glushein* and *L. F. Katzin*. *Cornell Law Rev.* Apr., 1931.

Trial by Jury. Right to trial by jury in criminal cases—decrease in number or substitution of jurors. *G. W. H. South*. *Calif. Law Rev.* Apr., 1931.

———. Trial by jury—waiver in criminal cases. *A. J. Harno*. Waiver of trial by jury in felony cases. *O. C. Knudson*. *Ill. Law Rev.* May, 1931.

Unemployment. Unemployment—a national issue. *R. F. Wagner*. Unemployment insurance for the United States. *Leo Wolman*. *Am. Labor Legis. Rev.* Mar., 1931.

———. The vanishing job. *H. O. Rogers*. *Nation*. Apr. 8, 1931.

———. Toward a national employment service. *Mary van Kleeck*. Unemployment insurance. *Beulah Amidon*. *Survey*. Apr. 15, 1931.

———. The problem of employment agencies. *Wayne Gard*. *Current Hist.* May, 1931.

Veterans. America's disabled veterans. *William C. Deming*. *Current Hist.* Apr., 1931.

———. The pension racket. *O. K. Armstrong*. *No. Am. Rev.* June, 1931.

War Policies Commission. Making the country safe for war. *Mauritz A. Hallgren*. *Nation*. May 27, 1931.

Waterways. Progress of America's inland waterways. *Uthai Vincent Wilcox*. *Current Hist.* Apr., 1931.

Wilson. Woodrow Wilson, the man behind the president. *George Creel*. *Sat. Eve. Post*. Mar. 28, 1931.

Workmen's Compensation. The workmen's compensation law. *C. M. Kahn*. *Idaho Law Jour.* Feb., 1931.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Aikin, J. Alex. Economic power for Canada. Pp. 265. Toronto (Ont.): Macmillan.

Allix, Edgar. Traité élémentaire de science des finances et de législation financière française. (6th ed.) Pp. 1172. Paris: Rousseau.

Anon. Le parlement belge de 1930. Pp. xvi + 602. Paris: L. J. Kryn.

Antonowicz. Les états indigènes dans l'Inde anglaise. Pp. 215. Paris: Rousseau.

Aron, Robert, et Dandieu, Arnaud. Décadence de la nation française. Paris: Edit. Rieder.

Augur. A bulwark of democracy. Pp. 207. London: Appleton.

Badin, Laurent. La politique bancaire des banques de réserve fédérales. Pp. 227. Paris: Rousseau.

Bährens, Kurt. Flanderns Kampf um die eigene Scholle. Pp. 204. Breslau: Hochschulverlag K. Vater.

Bajanow, Boris. Stalin, der rote Diktator. Pp. 168. Berlin: Aretz.

Barbusse, Henri. One looks at Russia. (Trans. by W. B. Wells.) London: Dent.

Bergmann, Karl. Deutschland und der Young Plan. Pp. 168. Berlin: Wilhelm Christians.

Besson, Maurice. Histoire des colonies françaises. Pp. 410. Paris: Boivin.

Bibl, Viktor. Das deutsche Schicksal. Pp. 221. Berlin: Verlag für Kulturpolitik.

Bikov, P. Les derniers jours des Romanov. Pp. 192. Paris: Payot.

Blum, Léon. Les problèmes de la paix. Pp. 218. Paris: Libr. Stock.

Boehm, Max Hildebert. Die deutschen Grenzlande. Pp. 347. Berlin: Reimar Hobbing.

British India Merchant. India on the brink. Pp. 122. London: P. S. King.

Budish, J. M., and Shipman, S. S. Soviet foreign trade; menace or promise. Pp. 288. N. Y.: Liveright.

Burckhardt, W. Le droit fédéral suisse. (Trad. par G. Bovet.) Pp. 746. Paris: Recueil Sirey.

Byron, R. An essay on India. Pp. 175. London: Routledge.

Cheng, Seymour Cheng-Yuar. Schemes for the federation of the British empire. (Columbia Univ. Studies.) Pp. 313. N. Y.: Columbia Univ. Press.

Cleinow, Georg. Roter Imperialismus. Pp. xii+224. Berlin: Julius Springer.

Clemenceau, Georges. Grandeurs et misères d'une victoire. Pp. iv+374. Paris: Plon.

Crocker, W. R. The Japanese population problem: the coming crisis. Pp. 240. London: Allen & Unwin.

Cros, Louis. L'Indochine française pour tous. Pp. 520. Paris: A. Michel.

Desbons, Georges. La Bulgarie après le traité de Neuilly. Pp. xiv+462. Paris: Marcel Rivière.

Desjeuilles, P. L'Algérie. Paris: Pierre Roger.

Diesel, Eugen. Germany and the Germans. (Trans. by W. D. Robson-Scott.) Pp. ix+299. London: Macmillan.

Doumer, Paul. L'Indochine française. Pp. 392. Paris: Vuibert.

Eckardt, Hans V. Russland. Pp. 568. Leipzig: Bibliographisches Institut.

Eliacheff, Boris. Le dumping soviétique. Pp. 220. Paris: M. Giard.

Elsom, G. "England, arise!" A study of the pioneering days of the labour movement. Pp. 286. London: Gepe.

Filoussi, Elie, et Benazet, Aristide. L'état Tunisien et le protectorat français. 2 vols. Pp. 812. Paris: Rousseau.

Florinsky, Michael T. The end of the Russian empire. Pp. 288. New Haven: Yale Univ. Press.

Freytagh-Loringhoven, A. Deutschnationale Volkspartei. Berlin: Pan-Verlagsges.

Fromhold, Paul J. Les problèmes posés en Allemagne par les perturbations d'après guerre dans le domaine des sociétés par actions et le projet de loi de 1930. Pp. 102. Paris: Rousseau.

Fuchs, Werner. Der neue Fclenspiegel. Pp. 143. Berlin: Selbstverlag des Deutschen Ostmarken-Vereins.

Furniss, Henry S. Memories of sixty years. N. Y.: Appleton.

Gagé, A. Ce qu'il faut savoir des colonies françaises. Pp. 208. Paris: F. Nathan.

Gaulis, B. G. La question arabe. Pp. 309. Paris: Editions Berger-Levrault.

Ghosh, Akshaya K. Public administration in India. Pp. xxi+743. Calcutta: Calcutta Univ.

Gourdon, Henri. L'Indochine. Pp. 224. Paris: Libr. Larousse.

Grentrup, Theodor. Das Deutschtum an der mittleren Donau in Rumänien und Jugoslawien. Pp. vii+336. Münster: Aschenдорffsche Verlagsbuchhandlung.

Hagemann, Walter. Deutschland am Scheideweg. Pp. vii+150. Freiburg: Herder & Co.

Hall, H. L. Victoria's part in the Australian federation movement, 1849-1900. Pp. 206. London: R. Scott.

Handjiev, Nikola. Organisation der Staats- und Selbstverwaltung in Bulgarien. Pp. 113. München: Reinhardt.

Harper, Samuel N. Making bolsheviks. Pp. 186. Chicago: Univ. of Chicago Press.

Haumant, Emile. La formation de la Yougoslavie. Pp. x+752. Paris: Editions Bossard.

Hauschofer, Karl. Japan's Reichserneuerung. Pp. 158. Leipzig: de Gruyter.

Howel, Walter. Preussen nach dem Weltkrieg. Pp. 140. Köln: Gilde-Verl.

Hobson, J. A. Rationalisation and unemployment. (New ed.) Pp. 136. London: Allen & Unwin.

Holmes, John Haynes. Palestine today and tomorrow. Pp. xvi+271. London: Allen & Unwin.

Hopper, Bruce. Pan-sovietism; the issue before America and the world. Pp. 299. Boston: Houghton Mifflin.

Hunt, Erling M. American precedents in Australian federation. Pp. 230. N. Y.: Columbia Univ. Press.

Ilen, M. New Russia's primer: the story of the five-year plan. (Translated by George S. Courts and Lucia P. Lodge.) Boston: Houghton Mifflin.

Johnson, Albert A., comp. Past, present, future progress in the soviet union. Springfield (Mass.): The Author.

Kaas, Albert, and De Lazarovics, Feodor. Bolshevism in Hungary. Pp. 411. London: Grant Richards.

Kaji, H. L., ed. Coöperation in Bombay. Pp. 373. London: K. Paul.

Kautsky, K. Bolshevism at a deadlock. Pp. 193. London: Allen & Unwin.

Kayser, Jacques. The Dreyfus affair. N. Y.: Covici Friede.

Kennedy, W. P. M., and Wells, D. C. The law of the taxing power in Canada. Pp. xvi+157. Toronto: Univ. of Toronto Press.

Kingdom of Yugoslavia, 1919-1929. Belgrade: Central Press Bureau of the Presidency of the Ministerial Council.

Koch, F. E. Le régime juridique des cartels anglais. Pp. 104. Paris: Recueil Sirey.

Kokoutzoff, Comte W. N. Le bolchevisme à l'oeuvre. Pp. 378. Paris: M. Giard.

Kühlmann, Richard von. Gedanken über Deutschland. Pp. 293. Leipzig: P. List.

Kybal, Ulastimil. Les origines diplomatiques de l'état Tchécoslovaque. Pp. 107. Prag: Verlag Orbis.

La Chapelle, Georges. Le crédit public. Pp. xiv+332. Paris: Berger-Levrault.

Levine, Isaac D. Stalin. Pp. 421. N. Y.: Cosmopolitan Book Corp.

Lewis, Wyndham. Hitler. Pp. ix+202. London: Chatto & Windus.

Lenin, W. J. Die Bolschewiki und die Machtergreifung 1917. Pp. 123. Berlin: Internat. Arbeiter-Verl.

- Liberal year book for 1931. Pp. 392. London: Liberal Pub. Dept.
- Lo, R. Y. China's revolution from the inside. Pp. 307. N. Y.: Abingdon Press.
- Loveday, A. Britain and world trade. Pp. 229. London: Longmans.
- Lüing, Piddler. National-Sozialismus. Berlin: Pan Verlagsges.
- Lyautey, Pierre. L'organisation de l'empire colonial. Paris: Les Editions de France.
- MacLaughlin, Martin. Newest Europe. Pp. vii+214. London: Longmans.
- Maigret, Julien. Le colon. Pp. 190. Paris: Larosa.
- Martet, Jean. Der Tiger. Pp. 234. Berlin: Ernst Rowohlt Verlag.
- Maury, J. Nationalité. (Théorie générale de droit français.) Pp. 276. Paris: Recueil Sirey.
- Michon, Georges. Clemenceau. Pp. 360. Paris: M. Rivière.
- Milliot, Louis, and others. Répertoire alphabétique de jurisprudence, de doctrine et de législation algérienne, tunisienne et musulmane. Pp. 461. Paris: Edit. Godde.
- Mirkine-Guetzevitch, B. Les nouvelles tendances du droit constitutionnel. Pp. xii+215. Paris: M. Giard.
- Mirkine-Guetzevitch, and Tiba, André. La Pologne. Pp. 130. Paris: Delagrave.
- Mirsky, Dmitry S. Lenin. Pp. 247. Boston: Little, Brown.
- Mitzakis, Michel. Les grands problèmes italiens. Pp. 420. Paris: F. Alcan.
- Monzie, Anatole de. Petit manuel de la Russie nouvelle. Pp. 338. Paris: Firmin-Didot.
- Munro, William Bennett. The governments of Europe. (Rev. ed.) Pp. xi+844. N. Y.: Macmillan.
- N . . . Histoire des colonies françaises. Pp. 604. Paris: Libr. Plon.
- Nani, Umberto. Oriente Europeo. Pp. 248. Foligno: Franco Campitelli.
- Ney, E. L. L'autre Allemagne. Pp. vi+266. Paris: Berger-Levrault.
- Niekisch, Ernst. Entscheidung. Pp. 186. Berlin: Widerstands-Verlag.
- Odhe, Thorsten. Finland: a nation of coöperators. (Trans. by John Downie.) Pp. 151. London: Williams & Norgate.
- Ossendowski, Ferdinand A. Lenin, god of the godless. (Trans. by Gregory Macdonald.) Pp. 419. N. Y.: Dutton.
- Philby, H. St. J. B. Arabia. Pp. xix+387. London: Ernest Benn.
- Pradhan, R. G. Principles of the constitution of the United States of India. Pp. ii+114. London: K. Paul.
- Reichwein, Adolf. Mexiko erwacht. Pp. xii+274. Leipzig: Bibliographisches Institut.
- Rodes, Jean. La Chine nationaliste. Pp. 190. Paris: F. Alcan.
- Rohrbach, Paul. Deutschland Tod oder Leben? Pp. viii+256. München: F. Bruckmann.
- Rozycki, Seweryn. L'influence du constitutionnalisme français sur la constitution polonaise du 17 mars 1921. Pp. 146. Paris: Gabethner & Wolff.
- Saposs, David J. The labor movement in post-war France. Pp. 526. N. Y.: Columbia Univ. Press.
- Schacher, Gerhard. Der Balkan und seine wirtschaftlichen Kräfte. Pp. 266. Stuttgart: Enke.

Scheffer, Paul. Sieben Jahre Sowjetunion. Pp. vii+451. Leipzig: Bibliographisches Institut.

Schlegelberger, Franz. Die Entwicklung des deutschen Rechts in den letzten 15 Jahren. Pp. 189. Berlin: Vahlen.

Schwertfeger, Bernhacd, ed. The truth about Drayfus from the Schwartzkoppen papers. Pp. xvii+252. London: Putnam.

Seibert, Theodor. Das rote Russland. Pp. 294. München: Knorr & Hirth.

Sforza, Comte. Les bâtisseurs de l'Europe moderne. Pp. 405. Paris: Gallimard.

Siegfried, André. England's crisis. Pp. 317. N. Y.: Harcourt.

Sisson, Edgar. One hundred red days; a personal chronicle of the bolshevik revolution. Pp. 515. New Haven: Yale Univ. Press.

Sobolévitch. Les états baltes et la Russie soviétique. Pp. 268. Paris: Les Presses Universitaires.

Takenobu, Yoshitaro. The Japan year book. Pp. 724. N. Y.: Dixie Business Book Shop.

Trachtenberg, Jakob. Rotes Russland rüstet. Pp. 199. Berlin: Trachtenberg.

Vernadskii, Georgii V. Lenin, red dictator. (Trans. by Malcolm W. Davis.) Pp. 351. New Haven: Yale Univ. Press.

Walsh, Edmund A. The last stand; an interpretation of the soviet five-year plan. Pp. 359. Boston: Little Brown.

Wertheimer, Eduard von. Bismarck im politischen Kampf. Pp. xiv+602. Berlin: Reimar Hobbing.

Whitfield, G. M. B. South African native law. Pp. xii+507. London: Walker Bros.

Winter, Hans. Der Kampf um Preussen. Berlin: Staatspolit. Verl.

Wittfogel, K. A. Wirtschaft und Gesellschaft Chinas. Pp. xxiv+768. Leipzig: C. L. Hirschfeld.

Wortham, H. E. Mustapha Kemal of Turkey. Pp. 258. Boston: Little, Brown.

You, André. Madagascar, colonie française. Pp. xi+556. Paris: Soc. d'Edit. géographiques, maritimes et coloniales.

Zweigbergh, Otto v. Svensk politik 1905-1929. Pp. 356. Stockholm: Albert Bonnier.

Articles

Administration. La collaboration des administrés. *G. Renard.* Rev. Gén. Droit Legis. et Juris. Oct.-Dec., 1930.

Australia. Caucus government in Australia. *F. A. W. Gisborne.* English Rev. Mar., 1931.

———. Australia under a new labor government. *A. D. Rothman.* Current Hist. Apr., 1931.

Austria. Le relèvement de l'Autriche. *Ernest Lémcnon.* Correspondant. Mar. 10, 1931.

Bolshevism. La terza fase del bolscevismo *Pietro Sessa.* Politica. Oct.-Dec., 1930.

———. Interpretazioni del Bolscevismo. *Luigi Chiarini.* Nuova Antologia. Apr. 16, 1931.

British Empire. L'empire britannique à la croisée des chemins (1919-1921). *J. J. Chevallier.* Rev. Droit Int. Oct.-Dec., 1930.

- . La conférence impériale de 1930. *J. M. de Bornier*. Rev. Sci. Pol. Jan.-Mar., 1931.
- . Notes on imperial constitutional law. The imperial conference of 1930. *Berriedale Keith*. Jour. Comp. Legis. and Int. Law. Feb., 1931.
- . Building a greater empire. *J. H. Harley*. Fort. Rev. Mar., 1931.
- . Color prejudice in the British Empire. *David Freeman*. Contemp. Rev. Mar., 1931.
- . La conférence impériale britannique. *E. Pollet*. Le tarif Australien et la préférence impériale britannique. *T. F. Mackenzie*. Ce qu'on entend par "libre-échange impérial." *L. S. Emery*, Rev. Econ. Int. Mar., 1931.
- . L'Angleterre et l'empire. *André Siegfried*. Rev. Paris. Mar. 15, 1931.
- . The new voice of empire. *Isaac F. Marcossou*. Sat. Eve. Post. Mar. 28, 1931.
- . Great Britain's American empire. *Glen A. Blackburn*. Current Hist. Apr., 1931.
- . Das Britische Imperium und die Arbeiterpartei. *Balthasar Weingartz*. Sozialistische Monatshefte. Apr., 1931.
- . The church and empire settlement. *A. G. B. West*. Nine. Cent. Apr., 1931.
- . Parliamentary control of external relations in the British dominions. *A. Gordon Dewey*. Am. Pol. Sci. Rev. May, 1931.
- . The future of the British empire. *P. B. Wallace*. Eng. Rev. May, 1931.
- . The dominions and the United Kingdom. *G. G. Phillips*. Cambridge Law Jour. No. 2, 1931.
- Canada. Stati Uniti e Canada. *Romolo Tritonj*. Rassegna Italiana. Apr., 1931.
- . Canada first. *Jamez Burns*. Nation. Apr. 29, 1931.
- Ceylon. Ceylon's government, old and new. *John A. Fairlie*. Am. Pol. Sci. Rev. May, 1931.
- Chile. Chilean politics, 1920-1928. *C. H. Haring*. Hisp. Am. Rev. Feb., 1931.
- China. Doctrine et pratique du nationalisme chinois. *Auguste Viatte*. Correspondant. Feb. 25, 1931.
- . China under the nationalists. *T. K. Young*. Contemp. Rev. Mar., 1931.
- . A critical study of the Kemmerer report. *Chu Ching-Lai*. Pacific Affairs. Mar., 1931.
- . The scourge of famine in China. *Lindsay Hoben*. Current Hist. Apr., 1931.
- . A new era in the anépodes. *N. E. Coad*. Current Hist. June, 1931.
- Church and State. Den kirkepolitiske situation. *Axel Rosendal*. Gads Danske Mag. Apr., 1931.
- Cuba. The Cuban dictatorship. *Maluon Kaufman*. Nation. Mar. 18, 1931.
- . Cuba under the Machado régime. *Ernest Gruening*. Current Hist. May, 1931.
- Czechoslovakia. Dix années de politique intérieure en Tchéco-Slovaquie. *Ernest Lémonon*. Rev. Pol. et Parl. Mar. 1931.
- . Sidelights on Czechoslovakia. *E. W. Polson Newman*. Contemp. Rev. Apr., 1931.

- Dictatorship. Twilight of the dictators. *Gilbert Seldes*. Scribner's May, 1931.
- East Indies. The Dutch in the East Indies. *Adele de Leeuw*. Current Hist. May, 1931.
- Egypt. While the sphinx looks on. *Arthur Weigall*. World's Work. Apr., 1931.
- Federal Government. Deutschland und Frankreich, Länderstaat, Einheitstaats. *A. Helbok*. Deutsche Rundschau. Apr., 1931.
- France. La reforme des méthodes du travail parlementaire. *V. Aubert Lefas*. Rev. Sci. Pol. Jan.-Mar., 1931.
- . La politique française du pétrole: *François Lescazes*. Nouvelle Rev. Mar. 1, 15, Apr. 15, May 1, 1931.
- . France—state or empire? *André Tardieu*. Eng. Rev. Apr., 1931.
- . Le vote du budget de 1931-32. *Edouard Payen*. Jour. Économistes. Apr., 1931.
- . La France en Tunisie. *Amérose Gât*. Mercure de France. Apr. 15, 1931.
- . France and the international colonial exhibition. *Marshal Lyautey*. Nine. Cent. May, 1931.
- . The final chapter of the Dreyfus affair. *Walter Littlefield*. Current Hist. May, 1931.
- . The personnel of French cabinets, 1871-1930. *John G. Heinberg*. Am. Pol. Sci. Rev. May, 1931.
- . Les budgets des colonies françaises en 1931. *G. d'Ambert*. Nouvelle Rev. May 1, 1931.
- . Les ministères devant le Sénat. *L. L. Hubert*. M. Gaston Doumergue. Anon. Rev. Paris. May 1, 1931.
- . Die Action française. *Waldemar Gurian*. Historische Jahrbuch. No. 4, 1930.
- Germany. Die Aufhebung des Höferechtes in Südtirol. *Heinrich Klinkenberg*. Deutsche Arbeit. Feb., 1931.
- . Soll Deutschland kündigen? *Otto Huetzsch*. Europäische Gespräche. Feb., 1931.
- . Die deutsche Wirtschaft unter dem Youngplan. *Z. W. Reichert*, *Hjalmar Schacht* and *Z. Kastenholz*. Deutsche Rundschau. Feb., Mar., Apr., 1931.
- . Wahlrecht und Regierung. *J. Victor Bredt*. Preuss. Jahrbücher. Mar., 1931.
- . The national-socialist movement in Germany. *Rennie Smith*. German policy and the economic crisis. *William Martin*. Contemp. Rev., Mar., May, 1931.
- . L'échec de la contre-révolution en Allemagne. *Ruben Blanck*. La rationalisation allemande. *G. Jouve*. Rev. Pol. et Parl. Apr., 1931.
- . "Germany awake!" *S. McClatchie*. Forum. Apr., 1931.
- . Tolerieren und was dann? *Carl Mierendorff*. Der Kampf um die Jugend zum sozialdemokratischen Parteitag in Leipzig. *Walther Pahl*. Wie stehen wir zu Brüning. *Max Cohen*. Sozialistische Monatshefte. Apr., May, 1931.
- . The colonial empire of Germany. *C. R. Beasley*. Historical Outlook. May, 1931.

———. Reference service for German legislators. *F. M. Marx*. State Govt. May, 1931.

———. Nature and aims of the national socialist German labor party. *Kate Pinsdorf*. Am. Pol. Sci. Rev. May, 1931.

———. Germany's bid for independence. *John Ellick*. Nation. May 20, 1931.

———. Die Reform des Reichsrats und die Problematik der rechtlichen Stellung des Reichspräsidenten. *Stier-Somlo*. Der Konflikt Reich-Thüringen in der Frage der Polizeikostenzuschüsse. *Otto Koell-cutter*. Archiv. öffent. Rechts. Vol. 20, No. 1.

Gold Standard. Problemi attuali di politica monetaria. *Guiseppe Paratore*. Politica. Oct.-Dec., 1930.

———. Europe's return to gold. *H. H. Preston*. Harvard Bus. Rev. Apr., 1931.

Great Britain. The new poor law. *H. L. Beales*. History. Jan., 1931.

———. Why electoral reform was wanted. *H. J. Laski*. How the labour party was made. *Herbert Tracy*. How I won East Islington. *Leah Manning*. Can we afford to leave the nation's health to private enterprise? *Somerville Hastings*. How I won East Woolwich. *George Hicks*. Labour Mag. Feb., Mar., Apr., May, 1931.

———. Auxiliary and non-party organizations in Britain. *James K. Pollock*. Southwestern Pol. and Soc. Sci. Quar. Mar., 1931.

———. Le régime administratif des chemins de fer anglais. *Philippe Develle*. Rev. Sci. Pol. Jan.-Mar., 1931.

———. The prospects of labour. *Wickham Steed*. The press and parliament. *Earl Winterton*. Methods of legislation. *C. H. S. Fifoot*. The suffragettes in retrospect. *Janet Courteney*. Political upheaval. I. Sir Oswald Mosley. *C. F. Melville*. Crisis and leadership. *Henry Harrison*. Fort Rev. Mar., Apr., May, 1931.

———. The new transport and its administrative problems. *Sir Cyril Hurcomb*. Pub. Admin. Apr., 1931.

———. Some characteristics and tendencies of English criminal justice. *Pendleton Howard*. Minn. Law Rev. Apr., 1931.

———. The forestry commission in Great Britain. *E. P. Stebbing*. Quar. Rev. Apr., 1931.

———. Understudies wanted—apply 10 Downing street. *Clifford Sharp*. World's Work. Apr., 1931.

———. The troubles of a minority government. *Sir Ernest Bennett*. Should liberal unionism be revived? *Sir Edward Trigg*. Nine. Cent. Rev. Apr., May, 1931.

———. Political parties and the alternative vote. *Correspondent*. The romance of nineteenth century politics. *J. L. Hammond*. Pol. Quar. Apr.-June, 1931.

———. The rule of law in present constitutional practice. *Sir Leslie Scott*. The liberal crisis. *Dingle Food*. Contemp. Rev. May, 1931.

———. La situation politique en Angleterre. *Wickham Steed*. Rev. Paris. May 1, 1931.

———. Statutory rules and orders. *E. R. Baltzell*. Ind. Law Jour. May, 1931.

———. English politics: rebels and leaders. Philip Snowden: the last of the victorians. *H. N. Brailsford*. New Repub. May 20, 1931.

———. The prince of Wales. *P. W. Wilson*. Britain's two years of labor government. *H. W. Harris*. Current Hist. June, 1931.

———. Economic Problems. Some effects of the English unemployment insurance acts on the number of unemployed relieved under the poor law. *H. L. Witmer*. Quar. Jour. Econ. Feb., 1931.

———. The first step towards national sanity. *Austin Hopkinson*. Unemployment. *C. M. Lewis*. Engl. Rev. Mar., 1931.

———. The economic outlook for Great Britain. *George Peel*. The trade disputes bill and the general strike. *P. M. Oliver*. The case for works councils. *Geoffrey Mander*. Contemp. Rev. Mar., April, 1931.

———. The state and the mining industry. *R. C. Smart*. England's crisis. The poison of unemployment. *André Siegfried*. Fort. Rev. Mar., Apr., May, 1931.

———. Rationalisation and the future of industry. *Sir Arthur Steel-Maitland*. Nine. Cent. Apr., 1931.

———. Situation économique de l'Angleterre. *W. L. Layton*. Rev. Paris. Apr. 1, 1931.

———. Revenue tariff for Great Britain. *J. M. Keynes*. New Repub. Apr. 8, 1931.

India. The Indian round table conference. The present position in India. *D. G. Pole*. Labour Mag. Feb., Apr., 1931.

———. Entrevue avec le Mahatma Gandhi. *F. Ohman*. Rev. Mondiale. Mar. 1, 1931.

———. Mahatma Gandhi. *Kenneth Scunders*. Pacific Affairs. Mar., 1931.

———. The truce in India. *H. N. Brailsford*. New Repub. Mar. 25, 1931.

———. The round table conference, the future, and the depressed classes. *Isaac Foot*. The outlook for India. *Sir Theodore Morison*. Contemp. Rev. Mar., Apr., 1931.

———. Mr. Gandhi. *J. Coatman*. Nine. Cent. Apr., 1931.

———. Mahatma Gandhi. *E. M. E. Blyth*. Quar. Rev. Apr., 1931.

———. Die Konferenz am Runden Tisch über die Zukunft Indiens. *Friedrich Rosen*. Preuss. Jahrbücher. Apr., 1931.

———. The Earl of Willingdon. *Lukir Johnston*. Making a constitution. *Sir John Marriott*. Fort. Rev. Apr., May, 1931.

———. Indian education and unemployment. *J. W. Gregory*. Pol. Quar. Apr.-June, 1931.

———. Who is Mahatma Gandhi? *K. E. Job*. Catholic World. May, 1931.

———. The only way with congress. *Anon.* Blackwood's. May, 1931.

———. The Indian crisis. *Sir Mark Hunter*. The Hindu-Moslem problem and the Indian reforms. *Sir Wm. Barton*. Eng. Rev. May, 1931.

———. What shall we think of Gandhi? What Britain confronts in India. *Francis J. McConnell*. Christian Cent. May 13, 20, 1931.

Indo-China. French progress in Indo-China. *P. C. Standing*. Contemp. Rev. Apr., 1931.

Italy. Fascist rule in Italy. *Vera Michales Dean*. For. Pol. Reports. Apr. 15, 1931.

———. Cavour and Mussolini. *Georg Mehlis*. Preuss Jahrbücher. May., 1931.
 Japan. "In the name of the people." *Seizuo Yoshino*. The rôle of subsidies in Japan's economic development. *H. M. Bratter*. Pacific Affairs. Mar., May, 1931.

———. The treaty-making power in Japan. *K. W. Colegrove*. Am. Jour. Int. Law. Apr., 1931.

Judicial Review. Judicial control of legislation. *F. P. W.* Jour. Comp. Legis. and Int. Law. Feb., 1931.

Latin America. The "right of revolution" in Latin America. *J. Fred Rippy*. Current Hist. Apr., 1931.

———. Debts, dictatorship, and revolution in Bolivia and Peru. *Ernest Galarza*. For. Pol. Reports. May 13, 1931.

Liberia. Liberian slavery: the essentials. *J. H. Harris*. Contemp. Rev. Mar., 1931.

———. The Liberian paradox. *Raymond L. Buell*. Va. Quar. Rev. Apr., 1931.

———. After Liberia. *W. Benson*. Pol. Quar. Apr.-June, 1931.

Mexico. La question agraire au Mexique. *A. Lugan*. Correspondant. Mar. 25, 1931.

Parliamentary Government. The decline of parliamentary government. *Harold J. Laski* and *Josef Redlich*. For. Pol. Assoc. Pamphlet No. 74, Series 1930-31 (May, 1931).

Peru. Propagande communiste au Pérou. *Louis Baudin*. Correspondant. Mar. 10, 1931.

Poland. Le budget de la Pologne pour l'exercice 1931-32. *C. de Kownacki*. Jour. Économistes. Apr., 1931.

Protection. L'impôt sur les transports. *Georges de Nouvion*. Jour. Économistes. Feb., 1931.

———. A neglected phase of tariff controversy. *D. B. Copland*. Quar. Jour. Econ. Feb., 1931.

———. The drift towards protection. *Harold Cox*. Contemp. Rev. Apr., 1931.

———. An alternative to tariffs. *E. F. Wise*. The economics of import boards. *Lionel Robbins*. Pol. Quar. Apr.-June, 1931.

Roumania. La position politique de la Roumanie. *Néla Pavlova*. Rev. Mondiale. Feb. 15, 1931.

———. Royal intrigue in Roumania. *Konrad Bercovici*. Outlook, Apr. 15, 22, 29, May 6, 13, 20, 27, 1931.

Russia. Russia and the five-year plan. *Observer*. Canadian Bar Rev. Mar., 1931.

———. Industrializing the red crusade. *S. Gale Lowrie*. Southwestern Pol. and Soc. Sci. Quar. Mar., 1931.

———. The economic consequences of the Russian beehive. *C. N. Edge*. The Russian peasant and his masters. *N. V. Tcharykow*. Contemp. Rev. Mar., Apr., 1931.

———. The Moscow trials and the five-year plan. *George Soloveitchik*. Nine. Cent. Apr., 1931.

———. Statecraft in Russia. *Montgomery Belgion*. Dublin Rev. Apr., 1931.

———. Le plan quinquennal et le dumping soviétiques. *Edouard Néron*. Rev. Pol. et Parl. Apr., 1931.

———. The soviet autocracy. *A. B. Hart*. Stalin's rise to power. *L. M. Glassman*. Shattering soviet ideals. *K. J. Ledoc*. Russia's struggle for industrial independence. *E. B. Jacobson* and *V. Vccovich*. Current Hist. Apr., May, June, 1931.

———. The new drive against Russia. *Oswald Garrison Villard*. I work for Russia. I. State trust and five-year plan II. The five-year plan. III. The worker at work. IV. How the worker lives. V. The American engineer at work. *W. A. Ruykeser*. Nation. Apr., 1, May, 13, 20, 27, June 3, 10, 1931.

———. The Russian revolution. *Leccr Trotsky*. Sat. Eve. Post. Apr. 25, May 2, 9, 16, 1931.

———. The Moscow trial and the labour and socialist international. *Frederick Adler*. Labour Mag. May, 1931.

———. Die Hauptprobleme des Sozialismus aufgezeigt an der Wirtschafts-verfassung Sowjet-Russlands. *Deutsche Rundschau*. May, 1931.

———. An American engineer looks at the five-year plan. *H. J. Freyn*. New Repub. May 6, 1931.

———. Djughashvili—Russia's man of steel. *Eugene Lyons*. World's Work. June, 1931.

Siam. The kingdom of Siam. *Andrew A. Freeman*. Current Hist. May, 1931.

South Africa. A new South Africa. *R. S. Alexander*. Nation. May 27, 1931.

Spain. Spagna repubblicana. *Romulus*. Nuova Antologia. May 1, 1931.

———. Spain: dictatorship or parliament. *R. E. G. George*. The Spanish revolution. *Sir Charles Petris*. Nine. Cent. Apr., May, 1931.

———. Behind Spain's revolution. *Editor*. Spain wins freedom. *Devere Allen*. Nation. May 6, 13, 1931.

———. Considerazioni sulla Spagna *Renzo Sereno*. Rassegna Italiana. Apr., 1931.

———. The meaning of the Spanish revolution. *Editor*. New Repub. Apr. 29, 1931.

———. Spain's fight for stability. *B. W. Diffie*. The Spanish revolution. *William E. Linglebach*, *Simeon Strunsky*, *Builey W. Diffie*, *Max A. Savelle*. Current Hist. Apr., June, 1931.

———. Spain's fateful hour. *W. H. Carter*. Fort. Rev. Mar., 1931.

———. Les affaires d'Espagne. La république en Espagne. *L. Dumont-Wilden*. Rev. Bleue. Mar. 7, May 2, 1931.

———. Choses vues en Espagne. *Azuré Nicolas*. Rev. Deux Mondes. Mar. 15, 1931.

Turkey. Det nye Tyrki. *Arthur Christensen*. Gads Danske Mag. Apr., 1931.

———. The making of the Turkish republic. The new Turkey under Mustapha Kemal. *Caleb F. Gates*. Current Hist. Apr., June, 1931.

Venezuela. Venezuela's new wealth. *Joseph L. Leeming*. Current Hist. Apr., 1931.

INTERNATIONAL RELATIONS

Books

Anon. Documents diplomatiques français relatifs aux origines de la guerre de 1914 (1871-1914). Pp. xx+473. Paris: A. Costes.

Barrès, Maurice. Les grands problèmes du Rhin. Pp. i+471. Paris: Plon.

Baumkoller, Abraham. Le mandat sur la Palestine. Pp. 354. Paris: Rousseau.

Cambon, Jules. The diplomatist. (Trans. by Christopher R. Turner.) Pp. 152. London: Philip Allan.

Chamson, André. Tyrol. Pp. 204. Paris: Eernard Grosset.

Cobbett, Pitt. Cases on international law. (5th ed.) Pp. xx+372. London: Sweet & Maxwell.

Cohen, Kadmi. L'état d'Israël. Pp. 228. Paris: Editions Kra.

Cohn, Josef. England und Palästina. Pp. 327. Berlin: Kurt Vowinkel.

Condliffe, J. B. The Pacific area in international relations. Chicago: Am. Libr. Assoc.

Cooke, W. Henry, and Stickney, Edith P. Readings in European international relations since 1879. N. Y.: Harper's.

Davies, David. The problem of the twentieth century: a study in international relationships. London: Benn.

Delvigne, Isi. La crise mondiale. Pp. 112. Paris: L'Eglantine.

Dennis, W. J. Tacna and Arica: an account of the Chile-Peru boundary dispute and of the arbitrations by the United States. Pp. xviii+332. New Haven: Yale Univ. Press.

Douglas, N. How about Europe? Pp. 264. London: Clotto & Windus.

Dumba, Constantin. Dreibund- und Ertente-Politik in der Alten und Neuen Welt. Pp. 482. Zurich: Amalthea-Verlag.

Escottier, Emile. L'Anschluss de l'Autriche à l'Allemagne. Pp. 294. Lyon: Bosc Frères & Riou.

Feilchenfeld, Ernst H. Public debts and state succession. N. Y.: Macmillan.

Fischer, Louis. Why recognize Russia. Pp. 298. N. Y.: Cape & Smith.

Foch, Maréchal. Mémoires pour servir à l'histoire de la guerre de 1914-1918. 2 vols. Pp. 284, 340. Paris: Libr. Plon.

Giraud, René. Vers une internationale économique. Paris: Libr. Valois.

Gonder, Gustav. Armes Deutschland, armes Frankreich. Pp. 175. Metz: Paul Eyen.

Hill, Norman L. International administration. Pp. xi+292. N. Y.: McGraw-Hill.

Irwin, Ray. Diplomatic relations of the United States with the Barbary powers, 1776-1816. Chapel Hill (N. C.): Univ. of N. C. Press.

Jaffé, Fritz. Zwischen Deutschland und Frankreich. Pp. viii+413. Stuttgart: J. G. Cotta'sche Buchhandlung Nachf.

Jusserand, J. J. Le sentiment américain pendant la guerre. Pp. 176. Paris: Payot.

Kantorowicz, H. The spirit of British policy and the myth of the encirclement of Germany. (Trans. by W. H. Johnston.) Pp. 541. London: Allen & Unwin.

Kászonyi, Franz. Rassenverwandtschaft der Donauvölker. Pp. 272. Zurich: Amalthea-Verlag.

Knieszcze, Herbert. Der Österreichisch-Deutsche Wirtschaftszusammenschluss. Stuttgart: Deutsche Verlags-Anstalt.

Küster, Rudolf. Die polnische irredenta in West-Oberschleisien. Pp. 178. Berlin: Hallig-Verlag.

Lapradelle, A. de., et Niboyet, J. P. Répertoire de droit international: Vol. IX. Kobyle-Nationalité. Pp. 814. Paris: Recueil Sirey.

Lefebure, Victor. Scientific disarmament. Pp. 320. London: Mundanus.

Lennhoff, Eugen. Politische Geheimbünde. Pp. 560. Zürich: Amalthea-Verlag.

Louis, Paul. Tableau politique du monde. Paris: Libr. Valois.

McMullen, Laura Waples. Building the world society: a handbook of international relations. (Whittlesey House Publication.) Pp. 434. N. Y.: McGraw-Hill.

Mallory, Walter H. ed. Political handbook of the world. New Haven: Yale Univ. Press.

Mandeistam, A. N. La protection internationale des minorités. Pp. 220. Paris: Recueil Sirey.

Marabini, Camillo. Le problème Franco-Italie. Pp. 220. Paris: Libr. Hachette.

Marsh, G. T., and Wyckoff, H. W. Citizenship for nations. San Francisco: A. M. Robertson.

Martel, René. Deutschlands flutende Grenzen. Pp. 173. Oldenburg: Gerhard Stalling.

Martel, René. The eastern frontiers of Germany. London: Williams & Norgate.

Mathews, Basil J. The clash of world forces: nationalism, bolshevism, and Christianity. Pp. 174. N. Y.: Abingdon.

Matine-Daftary, Ahmad Khan. La suppression des capitulations en Perse. Pp. 265. Paris: Presses Universitaires.

Meriggi, Lea. Il conflitto Litauano-Polacco e la questione di Vilna. Pp. 116. Mailand: Istituto Editoriale Scientifico.

Money, Sir L. Chiozza. Can war be averted? Pp. 293. London: Thornton Butterworth.

Mowat, R. B. The concert of Europe. N. Y.: Macmillan.

Mower, Edmund C. International government. Pp. 755. Boston: Heath.

Page, Kirby. National defense. N. Y.: Farrar & Rinehart.

Pauly, L. Occupation allemande et guerre totale. Pp. 579. Paris: Edit. Godde.

Pershing, John J. My experiences in the world war. 2 vols. N. Y.: Frederick A. Stokes Co.

Piane, A. L. delle. Doctrina de Monroe. Montevideo: Publicaciones de Jurisprudencia Uruguay.

Platz, Hermann. Deutschland und Frankreich. Pp. 151. Frankfurt: Moritz Diesterweg.

Powell, E. A. Thunder over Europe. N. Y.: Ives Washburn.

Privat, Maurice. Les révolutions de 1914 et la crise mondiale. Paris: Libr. Hachette.

Problems of peace. (Geneva Institute of International Relations Lectures.) Pp. 332. London: Oxford Univ. Press.

Prudhomme, André. Les emprunts extérieurs devant la cour de cassation de France. Pp. 158. Paris: Edit. Gode.

Pufendorf, Samuel. Elementorum juris-prudentiae universalis libri duo. Vol. I. The photographic reproduction of the edition of 1672. Vol. II. The translation by W. A. Oldfather. Oxford: Clarendon Press.

Richmond, H. Economy and naval security. Pp. 224. London: Benn.

Rivet, L. La question romaine et le traité du Latran. Pp. 238. Paris: Recueil Sirey.

Savord, Ruth, comp. Directory of American agencies concerned with the study of international affairs. N. Y.: Council on Foreign Relations.

Sherrill, Charles H. Bismarck and Mussolini. Pp. 325. Boston: Houghton Mifflin.

Simons, Walter. The evolution of international public law in Europe since Grotius. Pp. 146. New Haven: Yale Univ. Press.

Sobolevitch, E. Les états baltes et la Russie soviétique. Pp. 267. Paris: Presses Universitaires.

Spangenberg, Bernhard. Die Zukunft der Reparationen. Pp. 124. Berlin: Stilke.

Stegemann, Hermann. Das Trugbild von Versailles. Pp. 358. Berlin: Deutsche Verl. Anst.

Stoke, Harold W. The foreign relations of the federal state. (Johns Hopkins Univ. Studies.) Pp. 246. Baltimore: Johns Hopkins Press.

Sturzo, Luigi. La communauté internationale et le droit de guerre. Pp. 284. Paris: Bloud & Gay.

Terestchenko, Serge. La guerre navale russo-japonaise. Pp. 512. Paris: Payot.

Viereck, George Sylvester. Spreading germs of hate. Pp. 278. London: Duckworth.

Volkman, Kurt. Internationales Luftrecht. Pp. 218. Berlin: Dümmler.

Vulliemin, Robert. Le l'arbitrage commercial, particulièrement en matière internationale. Pp. 247. Paris: Fousseau.

Yepes, J. M. El Panamericanismo y el derecho internacional. Pp. xii+447. Bogota: Imprenta Nacional.

Articles

American Foreign Relations. Le origini della politica di isolamento degli stati uniti. *Leonardo Vitetti.* *Politica.* Oct.-Dec., 1930.

———. La politique de paix des États-Unis. *R. Leslie Buell.* *Rev. Gén. Droit Int. Pub.* Jan.-Feb., 1931.

———. La politique des États-Unis au Nicaragua et sa signification. *J. B. Cheek.* *Rev. Sci. Pol.* Jan.-Mar., 1931.

———. "Our Cuban Colony" of Leland H. Jenks, y su versión española. *F. J. Ponte.* *Rev. Bimestre Cubana.* Mar.-Apr., 1931.

———. American troops in China—their mission. *J. D. Cope.* *Coast Artillery Jour.* Mar.-Apr., 1931.

Arbitration. L'acte général d'arbitrage. *Gallus.* *Rev. Droit Int. et Legis. Comp.* No. 1, 2, 4, 1930.

———. L'arbitrage international. *Stéphane Luzanne.* *Rev. Paris.* Mar. 1, 1931.

- . *L'arbitrage international. Lord Cecil.* Rev. Mondiale, Mar. 15, 1931.
- Asia. Chine, Japon et Bolchévisme. *A. Legendre.* Mercure de France. Apr. 15, 1931.
- Aviation. Le congrès juridique international de l'aviation à Bucarest. *Paul Fabry.* Rev. Droit Int. Oct.-Dec., 1930.
- . L'aviation sanitaire devant la XIV^e conférence internationale de la Croix-Rouge. *C. L. Julliot.* Rev. Gen. Droit. Int. Pub. Mar.-Apr., 1931.
- . Freedom of the air in the United States. *Blawett Lee.* Am. Jour. Int. Law. Apr., 1931.
- . Habana convention on commercial aviation. *Stephen Latchford.* Jour. Air Law. Apr., 1931.
- . Multi-partite aerial agreements. *W. M. Gibson.* Temple Law Quar. Apr., 1931.
- Balkans. La première conférence balkanique. *Anon.* Rev. Droit Int. Oct.-Dec., 1930.
- . Recent Balkan alignments. *Elizabeth P. MacCallum.* For. Pol. Assoc. Inf. Service. Mar. 18, 1931.
- . La conférence balkanique d'Athènes. *M. L. Marcovitch.* Rev. Gen. Droit Int. Pub. Mar.-Apr., 1931.
- . La question de la prétendue existence des capitulations en Bulgarie. *Ivan Altinof.* Jour. Droit Int. Mar.-Apr., 1931.
- . La question ukrainienne. *A. de Goulevitch.* Nouvelle Rev. May 1, 1931.
- Belgian Neutrality. Le sorti della neutralizzazione belga dopo la guerra ed i principi vigenti per la modificazione della costituzione della comunità internazionale. *A. Moscati.* Riv. Diritto Int. July-Sept., Oct.-Dec., 1930, Jan.-Mar., 1931.
- Codification. La codification du droit international et interprovincial privé en Pologne. *Michel Rostworowski.* Rev. Droit Int. et Legis. Comp. No. 1, 2, 4, 1930.
- . Considérations sur l'œuvre de la 1^{re} conférence de codification. *M. Lié.* Rev. Gen. Droit Int. Pub. Mar.-Apr., 1931.
- Debts. Les emprunts extérieurs devant la cour de cassation de France. *André Prudhomme.* Jour. Droit Int. Jan.-Feb. 1931.
- . Wanted: another world conference. *Oswald Garrison Villard.* Nation. Mar. 18, 1931.
- . The war debts. *W. W. Cumberland and Paul M. Mazer.* For. Pol. Assoc. Pamphlet No. 73, Series 1930-31 (Apr., 1931).
- . The war debts. *James Trasklou Adams.* Forum. Apr., 1931.
- . Reparations and the inter-ally debts in 1931. *James W. Angell.* For. Pol. Reports. Apr., 29, 1931.
- . International debt burden grows. *Anon.* Bankers Mag. May, 1931.
- Diplomacy. Le type de l'homme d'état nouveau. *Albert Apponyi.* Rev. Mondiale, May 1, 1931.
- Diplomatic Immunities. Recent developments affecting diplomatic privileges and immunities. *H. T. B. Binet.* Jour. Comp. Legis. and Int. Law. Feb., 1931.
- . Sanctions constraining diplomatic representatives to abide by the local law. *Chesney Hill.* Am. Jour. Int. Law. Apr., 1931.

Disarmament. La politica del disarmo navale—dalla conferenza di Washington alla conferenza di Londra. *Ciiovanni Engely*. Politica. June-Aug., 1930.

———. L'accord naval. *René la Bruguère*. Les chantiers de construction navale et la protection de l'état. *Em. Vergé*. Rev. Pol. et Parl. Apr., 1931.

———. The naval treaty and after. *Taprell Dorling*. Nine. Cent. Apr., 1931.

———. A propos de l'accord naval. *J. M. Renaitour*. Rev. Mondiale. Apr. 1, 1931.

———. The London naval treaty, 1930. *G. G. Wilson*. Am. Jour. Int. Law. Apr., 1931.

———. La limitation des armements aériens est-elle possible? *J. M. Bourget*. L'Esprit Int. Apr., 1931.

Europe. France et Allemagne. L'Allemagne et Europe. *Diodore*. Rev. Mondiale. Mar. 1, Apr. 15, 1931.

———. Foreign affairs. *George Glasgow*. Contemp. Rev. Mar., Apr., May, 1931.

———. Politique de l'Allemagne et de la Russie à l'égard de la France. *Frédéric Ecard*. Rev. Pol. et Parl. Mar., 1931.

———. La Hongrie et ses voisins depuis les accords de la Haye. *Albert Mousset*. L'Esprit Int. Apr., 1931.

———. La Tchécoslovaquie et l'Europe centrale. *M. Hodza*. Rev. Econ. Int. Apr., 1931.

———. The post-operation shock in Europe. Has Europe settled down? *Frank H. Simonds*. Rev. of Revs. Apr., May, 1931.

———. La paix et l'union austro-allemande. *Henri Austruy*. Nouvelle Rev. May 1, 1931.

•———. Europe as I see it today. *William Martin*. Int. Conciliation. May, 1931.

Extradition. L'estradizione nella nuova legislazione penale italiana. *A. Baldassarri*. Riv. Diritto Int. Jan.-Mar., 1931.

———. International extradition. *J. T. Puenic*. Ill. Law Rev. June, 1931.

Federal Governments. Federal governments and international labor agreements. *Harold W. Stoke*. Am. Fol. Sci. Rev. May, 1931.

Fisheries. The international fishery investigations. *J. T. Jenkins*. Quar. Rev. Apr., 1931.

Franco-German Relations. Les relations franco-allemandes. *J. Paganon*. Nouvelle Rev. Mar. 15, 1931.

———. Der Ruhrkampf als geschichtliches Erlebnis. *Paul Wentzke*. Preuss. Jahrbücher. May, 1931.

Freedom of the Seas. Qui régit les mers? *Lord Stanhope*. Rev. Mondiale. Feb. 15, 1931.

German Foreign Relations. L'Allemagne et l'Europe. Le Germanisme en marche. *L. Dumont-Wilden*. Rev. Bleue. Feb. 21, Apr. 18, 1931.

———. An der oberschlesischen Grenze. *F. Lange*. Deutschland, Polen und die Ukrainer. *Georg Woffner*. Voraussetzungen der deutsch-ungarischen Freundschaft. *J. A. Tzobl*. Deutsche Arbeit. Mar., Apr., 1931.

———. Die deutsch-bolschewistische Politik. *Julius Kaliski*. Sozialistische Monatshefte. Apr., 1931.

Hot Pursuit. The doctrine of hot pursuit. *J. S. H. Beck*. Canadian Bar Rev. Feb., Mar., Apr., 1931.

Industrial Property. Les effets de la ratification par la France de la convention internationale de la Haye sur la propriété industrielle. *Fernand-Jacq.* Jour. Économistes. Apr., 1931.

Inter-American Relations. The second international American conference at Mexico City. *A. C. Wilgus*. Hisp. Am. Hist. Rev. Feb., 1931.

———. Conciliation and arbitration in America. *Victor Mañrta*. The pan-American union and pan American conferences. *Wm. Manger*. Intellectual co-operation between the Americas. *Heloise Brainerd*. Bull. Pan Am. Union. Apr., 1931.

———. Boundary disputes in Latin America. *L. H. Woolsey*. Am. Jour. Int. Law. Apr., 1931.

———. L'oeuvre de l'union panaméricaine depuis 1928. *L. S. Rowe*. L'Esprit Int. Apr., 1931.

International Economics. Les fondements économiques du pan-européanisme. *H. D. Gideonse*. Rev. Écon. Int. Feb., 1931.

———. Economic conflict in international affairs. *Matthew B. Hammond*. Amer. Econ. Rev. Mar., 1931.

———. An approach to world economics. *E. M. Patterson*. Am. Econ. Rev. Mar., 1931. (Supp.)

———. Unemployment as an international problem. *T. G. Spates*. Geneva Special Studies. Mar., 1931.

———. La crise économique mondiale. *M. J. Bonn*. L'Esprit Int. Apr., 1931.

———. The international conferences for the unification of bills of exchange, promissory notes and cheques. *A. K. Kuhn*. Am. Jour. Int. Law. Apr., 1931.

———. Economic war in Europe. *U. S. Government Official*. Current Hist. June, 1931.

———. The drag-net of war. *Carlton Beals*. Scribner's. June, 1931.

International Law. The law of nations and the common law of England. *E. A. Adair*. Jour. Comp. Legis and Int. Law. Feb., 1931.

———. Il problema della guerra lecita nel diritto internazionale comune et nell'ordinamento della società delle nazioni. *G. B. Pallieri*. Riv. Diritto Int. Jan.-Mar., 1931.

———. Der Schutz der Zivilbevölkerung gegen Beschiessungen. Europäische Gespräche. Mar., 1931.

———. La protection des civils contre le danger aérien. *Gen. Niessel*. Rev. Deux Mondes. Apr. 15, 1931.

———. Völkerrecht in Lehre und Prüfung. *Symposium*. Zeitschrift Völkerrecht. No. 2, 1931.

Italian Foreign Relations. La Grèce dans l'orbite de l'Italie. *Rebcul*. Mercure de France. May 1, 1931.

League of Nations. La riforma del segretariato della società delle nazioni. *Giovanni Olivieri*. Politica. Oct.-Dec., 1930.

———. L'union européenne devant la société des nations. *C. R. Pusta*. L'Uruguay, le panaméricanisme et la société des nations. *J. G. Artuna*. Rev. Droit Int. Oct.-Dec., 1930.

———. L'harmonie à établir entre le pacte de la société des nations et le pacte de Paris. *Rafaël Erich. Rev. Droit Int. et Legis. Comp.* No. 4, 1930.

———. The United States and the league of nations during 1930. *Geneva Research Information Committee. The league and concerted economic action. E. M. Winslow. Geneva Special Studies.* Jan., Feb., 1931.

———. Exekutivgewalt des Völkerbundes? *Maz Graf Montgelos. Europäische Gespräche.* Mar., 1931.

———. Dominions, commonwealth, and the society of nations. *Pitman B. Potter. Am. Jour. Int. Law.* Apr., 1931.

———. Ou en est la société des nations? *William E. Rappard. L'Esprit Int.* Apr., 1931.

———. Some problems of Article XXIV of the covenant. *S. H. Bailey. Am. Pol. Sci. Rev.* May, 1931.

Mandates. The mandate system: its first decade. *Sir Alexander W. Renton. Quar. Rev.* Apr., 1931.

Minorities. Die volkischen Minderheiten in Litauen und die Litauer als Minderheiten. *R. R. Die Grossmächte und der Minderheitenschutz. Georg Wopfner. Deutsche Arbeit.* Feb., Apr., 1931.

———. La Turquie et les minorités. *Le-cien de Vissec. Rev. Paris.* Apr. 1, 1931.

Nationality. Decadence of the American doctrine of voluntary expatriation. *E. M. Borchard. Am. Jour. Int. Law.* Apr., 1931.

Outlawry of War. Venizelos as a man of peace. *William L. Smyser. Current Hist.* May, 1931.

———. Amerika und das Problem der Friedenssicherung. *Frederick J. Libby. Amerika Post.* Heft IV, 1931.

Pacific. Pacific items. *Editor. Pacific Affairs.* Mar., Apr., May, 1931.

Palestine. Camouflaging Zionist realities. *Herbert Solow. Menorah Jour.* Mar., 1931.

———. The Palestine muddle. *E. W. Polson Newman. Our Palestine liability. Owen Tweedy. Fort. Rev.* Mar., May, 1931.

———. The struggle for land in Palestine. *Claude F. Strickland. Current Hist.* Apr., 1931.

Passport. Note per la storia del passaporto e del salvacondotto. *G. P. Bognetti. Studi Scienze Giurid. e Soc.* No. 16, 1931.

Persia. La Perse nouvelle et le problème des capitulations. *Emile Lesueur. Rev. Droit Int.* Oct.-Dec., 1930.

Polish Corridor. Le problème de la Prusse orientale. *Anon. Rev. Paris.* Mar. 1, 1931.

———. Der Osten und das deutsche Schicksal. *H. Ullmann. Kurstwart.* Mar., 1931.

———. A propos du "corridor" de Danzig. *Vladimir d'Ormesson. L'Esprit Int.* Apr., 1931.

Recognition. Methods of communicating and negotiating agreements with unrecognized governments. *N. D. Houghton. Temple Law Quar.* Apr., 1931.

———. Recognition cases in American courts, 1923-30. *J. S. Tennant. Mich. Law Rev.* Apr., 1931.

———. Recognition cases, 1925-1930. *E. D. Dickinson*. Our policy of non-recognition in Central America. *C. P. Anderson*. The doctrine of constitutional legitimacy. *E. C. Stowell*. *Am. Jour. Int. Law*. Apr., 1931.

———. Russia and U. S. A. *S. E. Childs*. *Pol. Quar.* Apr.-June, 1931.

Responsibility. The responsibility of the state for the acts and obligations of general de facto governments—importance of recognition. *N. D. Houghton*. *Ind. Law Jour.* Apr., 1931.

———. Observations upon the responsibility of states for damages caused in their territory to the person or property of foreigners. *J. H. Ralston*. *Va. Law Rev.* Apr., 1931.

———. The general Smedley D. Butler incident. *E. C. Stowell*. *Am. Jour. Int. Law*. Apr., 1931.

Slavery. The suppression of slavery. *Geneva Research Information Committee*. *Geneva Special Studies*. Apr., 1931.

Suability of States. Jurisdiction of municipal courts over foreign states in actions arising out of their commercial activities. *Case and Comment Editor*. *Yale Law Jour.* Mar., 1931.

———. Execution against the property of a foreign state. *Note Editor*. *Columbia Law Rev.* Apr., 1931.

———. Execution of judgments against the property of foreign states. *Note Editor*. *Harvard Law Rev.* Apr., 1931.

———. International law—state immunity. *W. W. B. Mich.* *Law Rev.* May, 1931.

Tariffs. La trêve douanière et la conférence de Genève. *J. Lhomme*. *Rev. Gén. Droit Int. Pub.* Jan.-Feb., 1931.

———. Les obstacles qui s'opposent aux échanges commerciaux entre la France et la Pologne. *Pr. Dyjas*. L'accord douanier Austro-Allemand. *E. P. Jour. Économistes*. Mar., Apr., 1931.

———. Europe's tariff problems. *H. Colijn*. *Bankers Mag.* Apr., 1931.

———. The German-Austrian customs union. *Friedrich Hertz*. *Nation*. Apr. 22, 1931.

———. Europäische Zollunion. Vor der Europakonferenz. *Richard Klein-eibst*. *Sozialistische Monatshefte*. Apr., May, 1931.

———. Canada's tariff reprisals against America. *Grant Dexter* and *J. A. Stevenson*. *Current Hist.* May, 1931.

———. The Austro-German "bombshell." *G. E. R. Gedye* and *Friedrich Hertz*. *Contemp. Rev.* May, 1931.

———. The German-Austrian pact. *Rudolf Kircher*. *Nine. Cent.* May, 1931.

Treaties. Treaty-making powers. *Sciney Handler*. *N. Y. Bar Assoc. Bull.* Nov., 1930.

———. Les traités de commerce et la clause de la nation la plus favorisée du xvi^e au xviii^e siècle. *Rev. d'Hist. Mod.* Jan.-Feb., 1931.

———. Le traité signé doit-il, par l'effet d'une obligation internationale, être soumis au parlement en vue de sa ratification? *J. Nisot*. *Jour. Droit Int.* Mar.-Apr., 1931.

Warfare. The aeroplane vs. the mar-of-war. *C. R. Samson*. *Eng. Rev.* Mar., 1931.

War Guilt. Wie steht die Anschlussfrage? *Karl Haushofer*. Deutsche Rundschau. Mar., 1931.

———. Les historiens américains et les responsabilités de la guerre. *Pierre Renouvin*. Rev. Deux Mondes. Apr. 15, 1931.

World Court. La juridiction de la cour permanente de justice internationale. *Géza de Magyary*. Rev. Droit Int. Oct.-Déc., 1930.

———. La cour permanente de justice internationale en 1929. *Paul de Vineuil*. Rev. Droit Int. et Legis. Comp. No. 3, 4, 1930.

———. Limits of the jurisdiction of the permanent court of international justice. *Frank B. Kellogg*. The protocol for American adherence to the permanent court. *P. C. Jessup*. Am. Jour. Int. Law. Apr., 1931.

———. The new rules of the world court. *Manley O. Hudson*. Am. Bar Assoc. Jour. May, 1931.

JURISPRUDENCE

Books

Alexander, Franz, and Staub, Hugo. The criminal, the judge, and the public; a psychological analysis. Pp. 258. N. Y.: Macmillan.

Basu, K. The modern theories of jurisprudence. Calcutta: Longmans.

Börms, August. Zehn Jahre im belgischen Kerker. Pp. 285. Berlin: Widerstands-Verlag.

Burckhardt, Julius. Der deutsch-russische Rechts- und Wirtschaftsvertrag vom 12 Oktober 1925. Pp. viii + 39. Würzburg: Buchdruckerei Popp.

Cardozo, Benjamin N. Law and literature; and other essays and addresses. Pp. 190. N. Y.: Harcourt.

Frankfurter, Felix, ed. Mr. Justice Holmes. N. Y.: Coward-McCann.

Gillin, John Lewis. Taming the criminal; adventures in penology. Pp. 325. N. Y.: Macmillan.

Morel-Fatio, Louis. La nationalité des sociétés. Pp. 143. Paris: Rousseau.

Vesey-Fitzgerald, S. Muhammadan law. Pp. 267. Oxford: Clarendon Press.

Viard, Pierre-Paul. Histoire général du droit privé. Pp. 148. Paris: Les Presses Universitaires.

Visscher, F. de. Études de droit romain. Pp. 508. Paris: Recueil Sirey.

Willis, Hugh Evander. Introduction to Anglo-American law. Bloomington (Ind.): Indiana Univ.

Articles

Administration of Justice. Is the bar responsible for the administration of justice? *S. T. Bush*. Com. Law League Jour. Mar., 1931.

———. Social science as an aid to the administration of criminal law. *Jerome Hall*. Dakota Law Rev. Apr., 1931.

Administrative Courts. Die Verwaltungsgerichtsbarkeit in der Schweizerischen Eidgenossenschaft. *Wilhelm Buckhardt*. Zeitschrift gesamte Staatswissenschaft. Vol. 90, No. 2, 1931.

Administrative Law. Liability in damages under French administrative law. *Louis Trotabas*. Jour. Comp. Legis. and Int. Law. Feb., Nov., 1930, Feb., 1931.

———. Théorie générale des contrats de l'administration.

Gaston Jèze. Rev. Droit Pub. et Sci. Pol. Jan.-Mar., 1931.

Amparo. Es el amparo defensa constitucional extraordinaria? *Trinidad Garcia.* Rev. Gen. Derecho y Juris. Apr.-Sept., 1931.

Bail. Excessive bail in vagrancy cases. *A. A. Bruce.* Ill. Law Rev. May, 1931.

Common Law. The law of England during the period of the commonwealth. *R. C. Brown.* Ind. Law Jour. Mar., 1931.

———. Edward Coke and law restatement. *Garrard Glen.* Va. Law Rev. Mar., 1931.

———. Common law and the common welfare. *William B. Munro.* Atlan. M. Apr., 1931.

———. Economic theories in English case law. *D. H. Parry.* Law Quar. Rev. Apr., 1931.

———. The historic and scientific evolution of the common law. *J. A. Livingstone.* Com. Law League Jour. May, 1931.

Comparative Law. An experiment in the study of comparative law. *Milton Handler.* Am. Bar Assoc. Jour. May, 1931.

———. The forthcoming international congress of comparative law at The Hague. *H. M. Colvin.* Tulane Law Rev. June, 1931.

Conflict of Laws. L'apprensione dell'eredità nel diritto internazionale privato. *G. Mazzoleni.* L'estinzione delle obbligazioni convenzionali nel diritto internazionale privato. *R. De-Nova.* Studi Scienze Giurid. e Soc. No. 16, 1931.

———. The integral unification of American civil law. *Francesco Cosentini.* The American systems on the conflict of laws and their reconciliation. *Antonio S. de Bustamante.* Tulane Law Rev. June, 1931.

Crime. Some aspects of abandonment, feeble-mindedness, and crime. *M. H. Erickson.* Am. Jour. Sociol. Mar., 1931.

———. The modern mafia. *Albert Bushnell Hart.* Current Hist. June, 1931.

Fictions. Legal fictions. *L. L. Fuller.* Ill. Law Rev. Dec., 1930, Jan., Mar., 1931.

Grand Jury. A survey of the grand jury system. *W. L. Morse.* Ore. Law Rev. Feb., Apr., 1931.

Habeas Corpus. The use of the writ of habeas corpus to obtain release of a prisoner after conviction under an unconstitutional statute. *H. D. Golds.* Detroit Law Rev. Jan.-Feb., 1931.

Hebrew Law. The high lights of the great Sanhedrin. *Gabe Jacobson.* Miss. Law Jour. May, 1931.

Information. The use of the information in criminal cases. *Raymond Moley.* Am. Bar Assoc. Jour. May, 1931.

Judicial Process. Legal rules: their function in the process of decision. *John Dickinson.* Pa. Law Rev. May, 1931.

———. The judicial process—*Ultramares Corp. v. Touche.* *Leon Green.* Ill. Law Rev. May, 1931.

———. An object lesson in subjective judgments. *Bryan Smith.* Am. Bar Assoc. Jour. May, 1931.

———. Juristic law and judicial law. *Joseph H. Beale.* W. Va. Law Quar. Apr., 1931.

Jury. Trial without jury in Maryland. *Herbert O'Connor.* Trial by jury. *E. R. Buckner.* N. Y. Bar Assoc. Bull. Nov., 1930, May, 1931.

———. Changes in the jury. *J. B. F.* Va. Law Rev. Mar., 1931.

———. Study of the organization of litigation and of the jury trial in the supreme court of New York county. *W. H. Wherry*. N. Y. Univ. Law Quar. Rev. Mar., 1931.

———. Right of jury trial in law and equity. *Nathan Greenberg*. Boston Univ. Law Rev. Apr., 1931.

———. The trial list; the Scranton plan. *W. J. Fitzgerald*. Am. Bar Assoc. Jour. May, 1931.

Juvenile Courts. The juvenile court and child welfare. *J. H. Ricks*. Am. Federationist. May, 1931.

Law Enforcement. Law development and enforcement. *I. M. Wormser*. N. Y. Bar Assoc. Bull. Dec., 1930.

———. Lawyers and their relation to law enforcement. *G. O. Persons*. Ga. Lawyer. Mar., 1931.

Law Reform. Law reform. *H. A. Holland*. Cambridge Law Jour. No. 2, 1931.

Legal Aid. Legal aid for the poor. *J. E. Jones*. Canadian Bar Rev. Apr., 1931.

Legal Concept. El principio de libertad y las razas retardadas. *C. M. Caminos*. Rev. Bimestre Cubana. Mar.-Apr., 1931.

———. Die Einheit des Rechtes und das soziale Sinngebilde Staat. *Erich Voegelin*. Rev. Int. Théorie Dcit. Vol. 4, No. 1.

Perjury. Perjury rampant. *D. D. Bromley*. Harpers. June, 1931.

———. Perjury. *Claud McEins*. Quar. Rev. Apr., 1931.

Philippines. The development of law in the Philippines. *E. A. Gilmore*. Ia. Law Rev. June, 1931.

Prisons. An analysis of the population of the Texas penitentiary from 1906 to 1924. *O. D. Duncan*. Am. Jour. Sociol. Mar., 1931.

———. Prison legislation in 1930. *E. S. Whittin*. Am. Bar Assoc. Jour. May, 1931.

Procedure. Pre-trial procedure in Wisconsin. *Q. H. Hale*. Minn. Law Rev. Mar., 1931.

Public Defender. Public and voluntary defenders. *F. F. Kane*. Survey. Mar., 15, 1931.

Punishment. The crime of punishment. *Margaret Wilson*. Social Service Rev. Mar., 1931.

———. Prevention rather than punishment for crime. *S. H. Allen*. Am. Bar Assoc. Jour. Apr., 1931.

Realistic Jurisprudence. Legal realism. *Max Radin*. Columbia Law Rev. May, 1931.

Research. Research in law and justice. *Albert Shaw*. Rev. of Revs. Mar., 1931.

———. The purview of research in the administration of justice. *H. E. Yntema*. Ia. Law Rev. Apr., 1931.

Roman Law. The teaching and study of Roman law in the United States. *L. C. Cassidy*. Georgetown Law Jour. Mar., 1931.

———. Roman law as illustrated in Pliny's letters. *D. T. Oliver*. Cambridge Law Jour. No. 2, 1931.

Rule Making. Reform of legal procedure: rule-making power for courts. *Sveinbjorn Johnson*. Ind. Law Jour. Mar., 1931.

LOCAL GOVERNMENT

Books

Burton, Clarence M., and others, eds. History of Wayne county and the city of Detroit. 5 vols. Chicago: S. J. Clarke Pub. Co.

Campbell, Edna Fay, and others. Our city—Chicago. Pp. 446. N. Y.: Scribner's.

Carr, William G., comp. County unit of school administration. Pp. 144. N. Y.: H. W. Wilson.

Citizen's Police Committee. Chicago Police Problems. Chicago: Univ. of Chicago Press.

Clarke, J. J. The local government of the United Kingdom and the Irish Free State. (3th ed.) Pp. 820. London: Pitman.

Fairchild, Edwin C., ed. Municipal year book, 1931. Pp. 1192. London: Municipal Journal.

Haus, Randolph O., and *Cline, Dorothy I.* Municipal school and university stadia. N. Y.: Mun. Adm. Service.

Lavine, E. H. "Gimme;" or, how politicians get rich. N. Y.: Vanguard Press.

Local government annual and official directory, 1931. Pp. 328. London: The Local Govt. Jour. Office.

Lohmann, Karl B. Principles of city planning. N. Y.: McGraw-Hill.

London county council housing, 1928-30. Pp. 118. London: P. S. King.

Lovett, William P. Detroit rules itself. Boston: Richard G. Badger.

Morand, P. New York. Pp. 320. London: Heinemann.

National Committee on Public Reporting. Public reporting. Pp. 158. N. Y.: Mun. Adm. Service.

North, Cecil Clare. The community and social welfare. N. Y.: McGraw-Hill.

Planning problems of town, city, and region. Pp. 239. N. Y.: National Conf. on City Planning.

Simpson, Herbert D. Tax racket and tax reform in Chicago. Pp. 306. Chicago: Inst. for Research in Land Econ. and Pub. Utilities.

Towne, Charles Hanson. This New York of mine. N. Y.: Cosmopolitan Book Corp.

Weiss, Bernhard. Die Polizeiverordnungen für Berlin. Pp. 643. Berlin: C. A. Weller.

Articles

Accounting. Evolution of state and municipal administration and accountancy. *Harold D. Force*. III. Mun. Rev. May, 1931.

Administration of Justice. Country justice. *F. Lyman Windolph*. Atlan. M. Apr., 1931.

Art Commissions. Municipal art commissions. *H. K. Menhinick*. City Planning. Oct., 1930.

Auditoriums. The municipal auditorium. *Alvin Gillett*. The municipality. Apr., 1931.

Building Codes. Building codes. *F. W. Kelly*. Am. Municipalities. Apr., 1931.

City Manager. The city manager in Kentucky. *Roy H. Owsley*. Flint's first six months of manager government. *Viola M. Eecker*. Nat. Mun. Rev. Mar., Apr., 1931.

———. Training for the city manager profession. *Committee Report. Exercising control over municipal activities. Pub. Management.* Apr., May, 1931.

City Planning. Roanoke's planning action in city and county. *John Nolen. City planning in the United States. Alfred Agache.* City Planning. Oct., 1930.

———. Financing of city plans. *Coleman Woodbury. The Municipality.* Feb., Mar., 1931.

———. City planning legislation in Oregon. *T. F. Howser. Commonwealth Rev.* Mar., 1931.

———. Regional planning. *E. H. Hars.* Southwest Rev. Apr., 1931.

———. The city plan of Boulder City. *S. R. De Boer. Nat. Mun. Rev.* May, 1931.

Cleveland. Cleveland. *F. A. Van Flext.* No. Am. Rev. Apr., 1931.

County Government. Arlington county adopts the manager plan. *Hugh Reid. The year 1930 in the history of Virginia counties. John J. Corson.* 3rd. Nat. Mun. Rev. Mar., Apr., 1931.

Efficiency in Government. Human element vs. efficiency in government. *Henry Traxler. Pub. Management.* Apr., 1931.

Employees. Regulation of conditions of employment on municipal public works. *Charles M. Kneier. Southwestern Pol. and Soc. Sci. Quar.* Mar., 1931.

England. The common council of the borough. *James Tait. Eng. Hist. Rev.* Jan., 1931.

———. A disillusioned city. *A. J. Reynolds. Contemp. Rev.* Mar., 1931.

———. Some problems of local government. *I. G. Gibbon. Administrative features of the local government acts. Symposium.* Pub. Admin. Apr., 1931.

Federal Relations. Uncle Sam and the cities. *James S. Taylor. Ill. Mun. Rev.* Mar., 1931.

Finance. A financial dictatorship for Fall River. *Howard G. Fishack. Reduced costs the key to reduced taxes. Rowland A. Egger.* Nat. Mun. Rev. Apr., May, 1931.

———. Methods of reducing delinquent taxes. *Carl H. Chatters. The administration of delinquent tax collections. L. B. Aycock, James E. Barlow, and others.* Pub. Management. Mar., 1931.

Germany. The municipal science institute of the University of Berlin. *Walter Norden.* (Trans. by Roger H. Wells.) Nat. Mun. Rev. Mar., 1931.

———. Local government in Germany. *M. L. Lhonau. Pub. Admin.* Apr., 1931.

Graft. New York—a city in agony. *Jonathan Mitchell. Outlook.* Apr. 8, 1931.

Health. Municipal health department service and child health. *H. F. Vaughn. Am. Federationist.* Mar., 1931.

Housing. The administration of municipal housing estates. *J. M. Thompson. Pub. Admin.* Apr., 1931.

Law Enforcement. Territorial jurisdiction of local law enforcement officers. *Charles M. Kneier. N. C. Law Rev.* Apr., 1931.

Mayor. Chicago goes Tammany. Detroit's liberal mayor. *Mauritz A. Hallgren. Nation.* Apr. 22, May 13, 1931.

———. The rise and fall of Thompsonism. *L. W. Hunt. Outlook.* Apr. 22, 1931.

———. "Big Bill" Thompson of Chicago. *Robert Morss Lovett*. Current Hist. June, 1931.

Metropolitan Areas. Governing our metropolitan areas. *S. Gale Lowrie*. Cincinnati Law Rev. Mar., 1931.

———. San Francisco approves plan for consolidation with San Mateo county. *Alfred H. Campion*. San Francisco adopts a new charter. *William H. Nanry*. Nat. Mun. Rev. May, 1931.

Municipal Powers. Optional powers granted to cities and villages in Illinois. *Thomas A. Matthews*. Ill. Mun. Rev. Apr., 1931.

Personnel Efficiency. Substituting precision records for guesswork in personnel efficiency records. *J. B. Probst*. Nat. Mun. Rev. Mar., 1931.

Police. How the teletype aids New Jersey police work. *J. E. Murnane*. How the radio aids police work. *H. T. Sheffield*. Nat. Mun. Rev. Apr., May, 1931.

———. All cops are grafters. *One of them*. Outlook. Apr. 29, 1931.

———. The policeman's bed of roses. *G. W. Johnson*. Harper's. May, 1931.

Public Buildings. Fires in public buildings. *William H. Rodda*. Am. City. Apr., 1931.

Public Reporting. The preparation of public reports. Telling citizens how the public job is done. *Wylie Kilpatrick*. Am. City. Apr., May, 1931.

Records. Waterworks records. *L. A. Smith*. The Municipality. Mar., 1931.

Sewage Disposal. What does sewage disposal cost? *E. E. Smith*. Am. City. Apr., 1931.

———. The effects of industrial wastes on the operation of municipal sewage treatment works. *L. F. Warrick*. The Municipality. May, 1931.

———. Shall Illinois have sanitation and conservation of its streams? *Harry F. Ferguson*. Ill. Mun. Rev. May, 1931.

Smoke Prevention. Municipal smoke prevention. *Frederick N. MacMillin*. The Municipality. Mar., 1931.

Socialism. Four years of socialism in Reading, Pennsylvania. *Henry G. Hodges*. Nat. Mun. Rev. May, 1931.

Street Lighting. Cost of city street lighting. *A. R. Knight*. Ill. Mun. Rev. Apr., 1931.

Street Railways. Street railways in foreign cities. *W. E. Mosher*. Nat. Mun. Rev. Apr., 1931.

———. Will the bus supplant the street car? *Symposium*. The rate-payer looks at the street car. *Herbert Corey*. Pub. Utilities Fort. Mar. 5, Apr. 16, 1931.

Tort Liability. Liabilities of municipal corporations in Mississippi. *K. P. Vinsel*. Miss. Law Jour. May, 1931.

Traffic Control. Solving traffic problems by vehicle-actuated control. *Sydney Cedric Krams*. Am. City. Apr., 1931.

———. Street lighting and traffic accidents. *Kirk M. Reid*. Ill. Mun. Rev. Apr., 1931.

———. Traffic cop. *Boyden Sparkes*. Sat. Eve. Post. Apr. 11, 1931.

Unemployment. Municipal aid for the unemployed. *Walter C. Hurlburt*. Nat. Mun. Rev. May, 1931.

Units of Government. Units of government in Minnesota. *William Anderson*. Minn. Municipalities. May, 1931.

Water Supply. The Colorado river aqueduct for the Los Angeles metropolitan water district. *W. A. Scott.* Am. City. Apr., 1931.

Zoning. The constitutionality of zoning ordinances. *Phillip McElroy.* Detroit Law Rev. Jan.-Feb., 1931.

POLITICAL THEORY AND MISCELLANEOUS

Books

Adamic, Louis. Dynamite: the story of class violence in America. N. Y.: Viking Press.

Allen, C. K. Bureaucracy triumphant. N. Y.: Oxford Univ. Press.

Augur. A bulwark of democracy. London: Appleton.

Autobiography of Lincoln Steffens. 2 vols. Pp. 884. N. Y.: Harcourt, Brace.

Barnes, J. S. Fascism. Pp. 252. London: Thornton Butterworth.

Braddon, Sir Henry. The making of a constitution. London: Australian Book Co.

Carpenter, E. Towards democracy. Pp. 519. London: Allen & Unwin.

Carpenter, Jesse T. The south as a conscious minority, 1789-1861: a study in political thought. Pp. ix+315. N. Y.: N. Y. Univ. Press.

Catlin, G. E. G. Liquor control. Pp. 256. London: Thornton Butterworth.

Cotton, Ethan T. The X Y Z of communism. Pp. 437. N. Y.: Macmillan.

Crook, Wilfrid Harris. The general strike: a study of labor's tragic weapon in theory and practice. Chapel Hill (N. C.): Univ. of N. C. Press.

Crisp, Dorothy. The rebirth of conservatism. Pp. 203. London: Methuen.

Gill, C. Government and people: an introduction to the study of citizenship. (2nd ed.) Pp. 329. London: Methuen.

Hayes, Carlton J. H. The historical evolution of modern nationalism. Pp. 355. N. Y.: R. R. Smith.

Headicar, B. M., and Fuller, C., comp. A London bibliography of the social sciences. Vol. 1. Pp. xiv+1120. London: School of Economics and Political Science.

Hearnshaw, F. J. C., ed. The social and political ideas of some representative thinkers of the revolutionary era. Pp. 252. London: Harrap.

Hobson, J. A., and Ginsberg, M. L. T. Hobhouse: his life and work. Pp. 360. London: Allen & Unwin.

Laidler, Harry W. The new capitalism and the socialists. N. Y.: League for Industrial Democracy.

Laski, Harold J. Politics. Pp. 160. Philadelphia: Lippincott.

Laski, Harold J. The foundations of sovereignty, and other essays. Pp. 317. London: Allen & Unwin.

MacLeod, W. C. The origin and history of politics. (Wiley Social Science Series.) Pp. 504. N. Y.: John Wiley & Sons.

Merriam, Charles, E. New aspects of politics. (2nd ed.) Pp. 286. Chicago: Univ. of Chicago Press.

Oliver, F. S. The endless adventure: a study of practical politics in the eighteenth century. Boston: Houghton Mifflin.

Percy, Lord Eustace. Democracy on trial. Pp. vi+197. London: John Lane.

Pink, M. Alderton. A realist looks at democracy. Pp. 215. London: Ernest Benn.

Pipkin, Charles W. Social politics and modern democracies. 2 vols. Pp. 411, 424. N. Y.: Macmillan.

Pooke, Florence A. Fountain sources of American political theory. N. Y.: Lewis Copeland Co.

Reynolds, Bruce. The communist shakes his fist. Pp. 460. N. Y.: Sully.

Ross, W. D., ed. The works of Aristotle. Vol. 3. N. Y.: Oxford Univ. Press.

Ruggiero, Guido de. Geschichte des Liberalismus in Europa. Pp. 458. München: Drei-Masken-Verl.

Salomon, G. Allgemeine Staatslehre. Pp. 166. Berlin: Industrieverl. Spaeth & Linde.

Schmitt, Carl. Der Hüter der Verfassung. Pp. vi+159. Tübingen: Mohr.

Stampfer, Friedrich. Grundbegriffe der Politik. Pp. 239. Berlin: J. H. Dietz.

Tcharykow, N. F. Glimpses of high politics. N. Y.: Macmillan.

Tilby, A. Wyatt. Lord John Russell; a study in civil and religious liberty. Pp. 301. N. Y.: R. R. Smith.

Wagel, Srinvas Ram. World economic depression: remedies. Pp. 152. N. Y.: Arthur Hill.

Walter, Gerard. Histoire du communisme. Pp. 624. Paris: Payot.

Whittlesey, Charles R. Governmental control of crude rubber; the Stevenson plan. Pp. 236. Princeton: Princeton Univ. Press.

Winston, Sanford R. Illiteracy in the United States. Chapel Hill (N. C.): Univ. of N. C. Press.

Articles

Bibliographical Aids. Some bibliographical aids to the use of British government publications. *Everett G. Brown.* Am. Pol. Sci. Rev. May, 1931.

Capitalism. Le capitalisme nouveau. *E. A. Filene.* Le capitalisme nouveau et la socialisme. *H. W. Laidler.* Rev. Écor. Int. Feb., 1931.

———. La faillite du "Kapitalisme." *Marcel de Coninck.* Grande Rev. Feb., Mar., 1931.

Democracy. Prohibition and democracy. *Herbert Agar.* Democracy and direct taxation. *A. J. Hubbs.* Economy and figures. *Sir Ernest Bean.* Eng. Rev. Apr., May, 1931.

———. Beamtentum, Staat und Demokratie. *Max Klesse.* Sozialistische Monatshefte. May, 1931.

Executive Power. La primauté politique de l'exécutif. *B. Mirkin-Guetzevitch.* Rev. Int. Théorie Droit. Vol. 5, No. 1.

Fascism. La syndicalisme fascisme. *Ernest Lémonon.* Rev. Bleue. Mar. 19, 1931.

———. An examination of Fascism. *Philip Marshall Brown and Lindsay Rogers.* Current Hist. May, 1931.

Federal Government. Une nouvelle théorie de l'état fédéral. *J. L. Kunz.* Rev. Droit Int. et Legis. Comp. No. 4, 1931.

Legalism. Legalism v. revolutionary doctrine. *R. B. Morris.* New Eng. Quar. Apr., 1931.

Machiavelli. Quel povero machiavelli. *Matteo Cerini.* Rassegna Italiana. Feb., 1931.

Ozanam. Ozanam et les idées politiques et sociales de 1848. *Georges Goyau*. Correspondant. Apr. 25, 1931.

Political Geography. Political geography as a political science field. *Harold H. Sprout*. Am. Pol. Sci. Rev. May, 1931.

Political Science. Eine neue Staatswirtschaftslehre. *Felix Boesler*. Zeitschrift Gesamte Staatswissenschaft. Vol. 90, No. 2, 1931.

Popular Government. The revolt of the ruling classes. *Sir George Young*. Contemp. Rev. May, 1931.

Propaganda. An aspect of British official wartime propaganda. *Ivor Nicholson*. Cornhill Mag. May, 1931.

Public Opinion. The measurement of public opinion. *Harold D. Lasswell*. Am. Pol. Sci. Rev. May, 1931.

Socialism. The decline and fall of socialism. *W. A. Hirst*. Quar. Rev. Apr., 1931.

Sovereignty. Realität und Ideologie des Souveränitätsbegriffs. *Walther Maas*. Sozialistische Monatshefte. May, 1931.

Unemployment. Unemployment as an international problem. *T. G. Spates*. Geneva Special Studies. Mar., 1931.

Utopia. Politics in Pitcairn. *W. K. Hancock*. Nine. Cent. May, 1931.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Agriculture department, Weather Bureau. Evolution of the meteorological institutions of the United States, by Eric R. Miller. Washington: Govt. Ptg. Off., 1931. 6 p. (Reprinted from *Monthly Weather Review*, Vol. 49, Jan. 1931.)

Civil service commission. Civil service act and rules, statutes, executive orders, and regulations, with notes and legal decisions; amended to Dec. 1, 1930. Washington: Govt. Ptg. Off., 1931. 128 p.

Commerce department. Unemployment, industry seeks a solution. Series of radio addresses given under the auspices of President's emergency committee for employment. Washington: Govt. Ptg. Off., 1931. 31 p.

———. Emergency and permanent policies of spreading work in industrial employment; prepared by President's emergency committee for employment. Washington: Govt. Ptg. Off., 1931. 6 p.

Congress. Conference committee. Grading and classification of clerks in foreign service, conference report to accompany H. R. 9110. Feb. 17, 1931. Washington: Govt. Ptg. Off., 1931. 15 p.

———. **House committee to investigate communist propaganda in United States.** Investigation of communist propaganda; hearings before special committee. 71st cong. 3d sess. Pt. 1, v. 5, Washington: Govt. Ptg. Off., 1931. 158 p.

———. **House committee on election of president, vice president, and representatives.** Proposing amendment to Constitution (fixing time for commencement

of terms): supplemental report. 71st cong. 3d sess. Washington: Govt. Ptg. Off., 1931. 15 p.

———. *House committee on expenditures in executive department*. Wire tapping in law enforcement: hearings, 71st cong., 3d sess., Feb. 19, 1931. Washington: Govt. Ptg. Off., 1931. 36 p.

———. *Judiciary committee*. Amend Constitution to exclude aliens in count for apportionment of Representatives: report (and minority views) . . . 2 parts. Washington: Govt. Ptg. Off., 1931.

———. Exclude aliens in enumeration of census for purposes of apportionment: hearings. . . . Washington: Govt. Ptg. Off., 1931. 90 p.

Senate. Injunctions in labor disputes, statement by Henrik Shipstead on S. 2497 to amend judicial code and to define and limit jurisdiction of courts sitting in equity, with memorandum on substitute bill by Einter S. Martin (S. doc. 327, 71st cong. 3d sess.). Washington: Govt. Ptg. Off., 1931. 18 p.

———. Philippine independence, brief prepared by Daniel R. Williams relative to constitutional power of Congress to alienate sovereignty over Philippine Islands; presented by Mr. Bingham. Washington: Govt. Ptg. Off., 1931. 17 p.

———. Drift toward dictatorship, article prepared by Jonathan Bourne, jr.; presented by Mr. Thomas of Oklahoma . . . (S. doc. 331, 71st cong. 3d sess.). Washington: Govt. Ptg. Off., 1931. 2 p.

Senate, Foreign relations committee. Commercial relations with China, hearings before subcommittee, 71st cong. 3d sess. . . . authorizing examination and study of stipulations relating to commerce in existing treaties of United States and other governments with Republic of China, and conditions that may affect our commerce and trade with China, Dec. 2, 1930. Washington: Govt. Ptg. Off., 1931. Pts. 3 and 4.

———. *Indian affairs committee*. Revision and codification of statutes affecting American Indians: hearings, 71st cong., 3d sess., on H. R. 15498, authorizing the President, through Secretary of Interior, to study, report, and recommend on revision and codification of statutes affecting American Indians. Washington: Govt. Ptg. Off., 1931. Pts. 11 to 13.

———. *Judiciary committee*. Birth control: hearings before subcommittee, 71st cong. 3d sess. . . . Washington: Govt. Ptg. Off., 1931. 84 p.

Government printing office, Documents office. Political science, documents and debates relating to initiative, referendum, lynching, elections, prohibition, woman suffrage, political parties, District of Columbia, list of publications for sale by supt. of documents. Jan. 1931. Price list 54, 16th ed. Washington: Govt. Ptg. Off., 1931. 43 p.

National commission on law observance and enforcement. Crime and criminals. Report on criminal statistics. April 1, 1931. Washington: Govt. Ptg. Off., 1931. (Publication 3.) 205 p.

Personnel classification board. Closing report of wage and personnel survey of positions in field service of Federal government. Washington: Govt. Ptg. Off., 1931. 404 p.

———. Preliminary class specifications of positions in field service. . . . Washington: Govt. Ptg. Off., 1931. 1327 p.

State department. Exemption from military service or other act of allegiance

of persons having dual nationality, treaty between United States and Norway; Signed Oslo, Nov. 1, 1930, proclaimed Feb. 12, 1931. (Tr. series 832.) Washington: Govt. Ptg. Off., 1931. 3 p.

———. Mandate for Palestine; prepared in Division of Near Eastern Affairs (reprinted with variations). Washington: Govt. Ptg. Off., 1931 (Publication 153). 115 p.

———. United States and other American republics, discussion of recent events, address by Henry L. Stimson, secretary of state, before council on foreign relations (Publication 156). Washington: Govt. Ptg. Off., 1931. 18 p.

———. United States marines in Nicaragua, report relative to maintenance of United States marines in Nicaragua. Washington: Govt. Ptg. Off., 1931. 34 p.

War policies commission. War policies commission, hearings before commission appointed under authority of public res. 98, 71st cong., 2d sess. . . . pt. 1. Washington: Govt. Ptg. Off., 1931. 350 p.

STATE AND TERRITORIAL

ALABAMA

Governor. Inaugural address of Judge B. M. Miller, Jan. 19, 1931. Montgomery, 1931. 14 p.

———. Message of Gov. Bibb Graves to the legislature of Alabama, Jan. 13, 1931. Montgomery, 1931. 44 p.

———. Message of Gov. B. M. Miller to the legislature of Alabama, Jan. 20, 1931. Montgomery, 1931. 4 p.

ARIZONA

General assembly. Directory of the tenth General assembly. Phoenix, 1931. 40 p.

Governor. Message of Geo. W. P. Hunt to the tenth state legislature, Phoenix, Jan. 12, 1931. Phoenix, 1931. 46 p.

Secretary of state. Initiative and referendum publicity pamphlet, 1930, containing a copy of the proposed amendments to the constitution proposed by the Legislature and proposed by initiative petition of the people, to be submitted to the qualified electors. . . . Phoenix, 1930. 32 p.

CALIFORNIA

Board of equalization. Report . . . for 1929-1930, including special reports to the legislature concerning comparative tax burdens and utility valuations. Sacramento, 1931. 133 p.

Constitutional commission. Report of the California constitutional commission submitted to the governor. . . . Sacramento, 1931. 93 p.

Governor. Second biennial message of Governor C. C. Young to the legislature. Sacramento, 1931. 213 p.

———. Inaugural address of Governor James Rolph, Jr. Sacramento, 1931. 22 p.

Legislature. California legislature, 49th session, . . . showing final action on all bills, constitutional amendments . . . Sacramento, 1931. 254 p.

———. Constitution of the state of California, Magna carta, Declaration of independence, Articles of confederation, and the Constitution of the United States. Comp. by Paul Mason. . . . Sacramento, 1931. 201 p.

———. Handbook of information for the use of the California legislature, 49th session. Sacramento, 1931. 64 p.

———. *Joint committee to study existing street improvement laws*. Report to the governor. Sacramento, 1931. 11 p.

COLORADO

Governor. Inaugural address of His excellency Hon. William H. Adams. . . . Denver, 1931. 16 p.

CONNECTICUT

Governor. Inaugural message of His excellency Wilbur L. Cross. . . . Hartford, 1931. 20 p.

DELAWARE

Governor. Message of Hon. C. Douglass Buck. . . . Dover, 1931, 52 p.

GEORGIA

Governor. Message of Governor L. G. Hardman to the extraordinary session. . . . Jan. 6, 1931. Atlanta, 1931. 32 p.

IDAHO

Governor. Governor's message to . . . 21st session. . . . Boise, 1931, 18 p.

ILLINOIS

Governor. Special message to the 57th General assembly. . . . Feb. 18, 1931, 4 p.

———. Biennial message to the 57th General assembly. . . . Springfield, 1931, 26 p.

INDIANA

Governor. Legislative message of Governor Harry C. Leslie. . . . Indianapolis. 1931. 22 leaves.

Legislature. House of Representatives. Constitution of the state. Standing rules and orders for the government. . . . Indianapolis, 1931. 71 p.

IOWA

Governor. Biennial message of John Hammill . . . 44th general assembly. Des Moines, 1931. 59 p.

———. Inaugural address of Dan W. Turner. . . . Des Moines, 1931. 26 p.

University of Iowa, Iowa City. Political science, or the study of government, 1930. Bulletin, N.S. no. 549. Iowa City, 1930. 28 p.

MAINE

Governor. Inaugural address of William Tudor Gardiner. . . . Augusta, 1931. 17 p.

———. Message to the 85th legislature . . . on the administrative reorganization code. . . . Augusta, 1931, 24 p.

MARYLAND

Governor. Message of Governor Albert C. Ritchie. . . . Annapolis, 1931, 74 p.

Secretary of state. Maryland manual, 1930. A compendium of legal, historical, and statistical information relating to the state of Maryland. . . . Annapolis, 1930. 454 p.

MASSACHUSETTS

Governor. Addresses and messages to the general court . . . of Alvan T. Fuller for the years 1926-1928 . . . comp. by E. H. Redstone, state librarian. Boston, 1930. 534 p.

———. Address by his excellency Joseph B. Ely. . . Boston, 1931. 29 p.

MICHIGAN

Crime commission. Report. . . Lansing, 1930. 54 p.

Governor. Message . . . of Governor Wilber M. Brucker. . . Lansing, 1931. 13 p.

Legislature. 1931-1932 Michigan legislative handbook, comp. by Fred I. Chase, secretary of the Senate and Mylea Gray, clerk of the House. . . Lansing, 1931. 243 p.

MINNESOTA

Governor. Farewell message of Governor Theodore Christianson. . . St. Paul, 1931. 32 p.

———. Inaugural message of Governor Floyd B. Olson. . . St. Paul, 1931. 12 p.

MISSOURI

Governor. Message of Henry S. Caulfield. . . Jefferson City, 1931. 35 p.

MONTANA

Governor. Message of Governor J. E. Erickson. . . Helena, 1931. 16 p.

NEBRASKA

Governor. Inaugural message of Governor Charles W. Bryan. . . Lincoln, 1931. 29 p.

———. Supplementary budget message . . . Lincoln, 1931. 58 p.

Legislative reference bureau. Nebraska blue book, 1930. Lincoln, 1930. 507 p.

NEVADA

Governor. Message of Gov. F. E. Balzar. . . Carson City, 1931. 72 p.

NEW HAMPSHIRE

Governor. Message of . . . Charles W. Tobey. . . Concord, 1931. 30 p.

———. Message of John G. Winant. . . Concord, 1931. 16 p.

Convention to revise the constitution. Journal. Concord, 1930. 217 p.

Secretary of state. Manual of the general court, 1931. Concord, 1931. 437 p.

NEW JERSEY

Civil service commission. Rules of the civil service commission and the civil service law for the state classified service. Trenton, 1931. 101 p.

Commission to investigate county and municipal taxation expenditures. Report no. 1: The organization, functions, and expenditures of local government in New Jersey. . . Trenton, 1931. 2 v.

Governor. Budget message of M. F. Larsen. . . Trenton, 1931. 322 p.

Public record office. Directory of county and municipal officials, year 1931. . . Trenton, 1931, 47 p.

NEW MEXICO

Governor. Inaugural address and legislative message of Governor Arthur Seligman. . . Santa Fé, 1931. 17 p.

NEW YORK

Governor. Message of Governor Franklin D. Roosevelt to the legislature, Jan. 7, 1931. Albany, 1931, 14 p.

NORTH CAROLINA

Historical commission. Legislative reference library. North Carolina manual, 1931. . . . Raleigh, 1931, 230 p.

NORTH DAKOTA

Governor. Message . . . by Geo. F. Shafer. . . . Bismarck, 1931. 30 p.

OHIO

Governor. Messages of George White. . . . Columbus, 1931. 22 p.

Governor's taxation committee. Cost of government in Ohio, 1916 to 1929. Fourth preliminary report of the committee on research. . . . Columbus, 1930. 83 p.

State university. John C. Fremont and the Republican party, by Ruhl Jacob Bartlett. Columbus, 1930. 146 p. (Ohio State university studies. Contributions in history and political science, no. 13)

OKLAHOMA

Governor. First message of Governor Wm. H. Murray. . . . Oklahoma City, 1931. 35 p.

Message of William J. Holloway. . . . Oklahoma City, 1931. 30 p.

OREGON

Governor. Inaugural message of Julius L. Meier. . . . Salem, 1931. 33 p.

———. Message of A. W. Norblad. . . . Salem, 1931. 66 p.

PENNSYLVANIA

General assembly. Legislative directory. session of 1931. . . . Harrisburg, 1931. 40 p.

Governor. Message of Governor John S. Fisher. . . . Harrisburg, 1931. 22, 120 p.

———. Inaugural address of Gifford Pinchot. . . . Harrisburg, 1931. 8 p.

RHODE ISLAND

Governor. Inaugural message of Norman S. Case. . . . Providence, 1931. 26 p.

SOUTH CAROLINA

Governor. Annual message of John G. Richards. . . . Columbia, 1931. 32 p.

———. Inaugural address of Ibra C. Blackwood. . . . Columbia, 1931. 15 p.

General assembly. Legislative manual, 13th edition . . . 79th General assembly. . . . Columbia, 1931. 275 p.

SOUTH DAKOTA

Governor. Message of Governor W. J. Bulow. . . . Pierre, 1931. 16 p.

———. Inaugural address of Governor-elect Warren E. Green. . . . Pierre, 1931. 13 p.

UTAH

Governor. Message of Governor George H. Dern. . . . Salt Lake City, 1931. 49 p.

VERMONT

Commission on proposals for constitutional amendments. Report . . . on proposals for constitutional amendments, 1931. Montpelier, 1931. 12 p.

- Governor.* Inaugural message of Stanley C. Wilson. . . . Montpelier, 1931. 12 p.
 ———. Retiring message of John E. Weeks. . . . Montpelier, 1931. 16 p.
Legislative reference librarian. Preliminary legislative manual. . . . Montpelier, 1930. 80 p.

VIRGINIA

University of Virginia, Charlottesville. Institute for research in the social sciences. Criminal justice in Virginia, by Hugh N. Fuller . . . in association with Armistead Mason Dobie . . . Frederick Leane Goodwin Ribble . . . and Raymond Moley. New York, Century Company, for the Institute . . . (Univ. of Va. Institute for research in the social sciences, Institute monograph no. 10). 195 p.

WASHINGTON

Governor. Message of Governor Roland H. Hartley. . . . Olympia, 1931. 26 p.
Legislature. Joint rules, rules of the Senate . . . House . . . together with the Constitution of the U.S. . . . Olympia, 1931. 293 p.

WEST VIRGINIA

Report on taxation in West Virginia, by Roy G. Blakey. . . . Charleston, 1931. 452 p.
Governor. Biennial message to the legislature by Wm. G. Conley. . . . Charleston, 1931. 60 p.

WISCONSIN

Governor. Message of Philip F. La Follette. . . . Madison, 1931, 28 p.
 ———. Budget message of Philip F. LaFollette. . . . Madison, 1931. 16 p.

WYOMING

Governor. Message of Governor Frank C. Emerson. . . . Cheyenne, 1931. 30 p.

FOREIGN

FRANCE

Assemblée nationale. Chambre des députés. Commission des finances. Rapport fait au nom de la Commission des finances chargée d'examiner le projet et les propositions de loi concernant le programme d'outillage national. . . . Paris, 1930, 713 p.

GERMANY

Reichstag. Drucksachen des . . . wahlperiode 5. No. 897: Entwurf e. gesetz über d. internationalen einkommen zum schutze des menschlichen lebens auf see . . . (Schiffssicherheitsvertrag, London, 1929.) Berlin, 1930, 172.
 ———. No. 1041: Übersicht über d. geltungsbereich d. fakultativen bestimmung sud. statut des Ständ. internationalen gerichtshofs im Haag. Berlin, 1931. 6 p.
Reichszentrale für heimatdienst. Um Deutschland's zukunft. 2 reden. Reichskanzler Dr. Heinrich Brüning: Deutschlands dringendste aufgaben. Reichsminister d. auswärtigen, Dr. Julius Curtius: Zur nationalen freiheit. Berlin, Zentralverlag, 1931. 36 p.
Verein für kommunalwirtschaft und Kommunalpolitik E. V. Monographien deutscher städte. Darstellung deutschen städte and ihrer arbeit in wirtschaft, finanzwesen, hygiene, sozialpolitik und technik. . . . Bd. 36: De stadt Apolda. . .

Berlin, 1931. 216 p. Bd. 37: Die freien reichsstädte Nördlingen, Rotherburg ob der Tauber, Dinkelsbühl. Berlin, 1931. 147 p.

GREAT BRITAIN

Foreign office. Financial obligations of Germany, resulting from the treaty of Versailles, etc. International agreements resulting. London, H.M.S.O., 1931. (Treaty ser, no. 2, 1931.)

Foreign office. League of nations. Eleventh assembly. Report of the delegates of the United Kingdom to the Secretary of state for foreign affairs. London, Dec. 31, 1930. London: H.M.S.O., 1931. (Miscellaneous no. 4, 1931.) Cmd. 3771.

———. Treaties, etc., with foreign states. Ratifications, accessions, withdrawals, etc. (Treaty series, no. 52, 1930. London: H.M.S.O. 1930. Cmd. 3816.

———. Rights of the United States and of its nationals in Iraq. Convention between H. M. and H. M. the king of Iraq and the president of the United States of America. (Treaty series, no. 19, 1931.) Cmd.: H.M.S.O., 1931. Cmd. 3833.

———. Pacific settlement of international disputes. Memorandum on the proposed accession of H. M. government in the United Kingdom to the general act of 1928. Lond: H.M.S.O., 1931. Cmd. 3803.

IRELAND

League of nations. Eleventh assembly. Report of the Irish delegates. Dublin, 1931.

MEXICO

Dirección de acción cívica, de reforma y cultural. Prontuario cívico y social; guía explicativa de las instituciones al servicio de los habitantes del Distrito federal . . . Mexico, Talleres graf. de la nacion. 1929. 152 p.

Secretaría de relaciones exteriores. Comisión de investigación y conciliación para el arreglo del conflicto entre Bolivia y Paraguay. Informe que rinde a la secretaria de relaciones exteriores el señor licenciado Fernando Gonzales Eoa. Mexico, 1930. 80 p.

INTERNATIONAL

LEAGUE OF NATIONS

Documents of the preparatory commission for the disarmament conference. . . . Series X. Minutes of the sixth session (second part) of the preparatory commission. . . . Geneva, 1931. 620 p.

Conference pour l'unification du droit fluvial. (Genève, 17 Novembre, 9 décembre 1930.)

Acte final de la conference. Geneva, 1931. 10 p. (Conf. U.D.F. 60).

Convention sur les mesures administratives propres à attester le droit au pavillon des bateaux de navigation intérieure. Geneva, 1931. 7 p. (Conf. U.D.F. 59).

Convention sur l'unification de certaines règles en matière d'abordage dans la navigation intérieure. Geneva, 1931, 7 p. (Conf. U.D.F. 57).

Commission of enquiry for European union. Minutes of the second session. . . . Geneva, 1931. 82 p. (C. 144. M. 45. 1931. VII.) Permanent central opium board. A. B. C. of narcotic drugs, by Dr. O. Anselmino. Geneva, 1931. 48 p.

Proceedings of the second international conference with a view to concerted economic action. (First session.) Geneva, 1931. 268 p.

Ratification of agreements and conventions concluded under the auspices of the League of nations. Tenth list. Geneva, 1931. 94 p. (C. 9. 1931. V.)

International commission of enquiry in Liberia. Communication from the Liberian government, dated January 9th, 1931. Geneva, 1931. 2 p.

Communication from the government of the United States of America regarding the report of the international commission of enquiry into the existence of slavery and forced labor in Liberia. Geneva, 1931. 2 p.

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

Edward S. Corwin, Princeton University

First Vice-President

C. A. Dykstra, Cincinnati, Ohio

Second Vice-President

Belle Sherwin, Cleveland, Ohio

Third Vice-President

J. Ralston Hayden, University of Michigan

Secretary and Treasurer

Clyde L. King, University of Pennsylvania

EXECUTIVE COUNCIL

President, Vice-Presidents, and Secretary-Treasurer ex-officio

Kenneth Colegrove, Northwestern University
Earl W. Crecraft, University of Akron
Charles E. Martin, University of Washington
William E. Mosher, Syracuse University
Frank M. Russell, University of California
William S. Carpenter, Princeton University
Frederic H. Guild, University of Kansas
Charles E. Hill, George Washington University
Raymond Moley, Columbia University
Lent D. Upson, Detroit Bureau of Governmental Research
Ben A. Arneson, Ohio Wesleyan University
Raymond L. Buell, New York City
Harold D. Lasswell, University of Chicago
Edward M. Sait, Pomona College
Edward J. Woodhouse, University of North Carolina

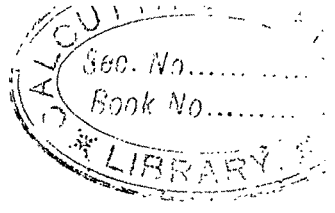
FORMER PRESIDENTS

Frank J. Goodnow
Albert Shaw
Frederick N. Judson*
James Bryce*
A. Lawrence Lowell
Woodrow Wilson*
Simeon E. Baldwin*
Albert Bushnell Hart
W. W. Willoughby

John Bassett Moore
Ernest Freund
Jesse Macy*
Munroe Smith*
Henry Jones Ford*
Paul S. Reinsch*
Leo E. Rowe
William A. Dunning*
Harry A. Garfield

James W. Garner
Charles E. Merriam
Charles A. Beard
William B. Munro
Jesse S. Reeves
John A. Fairlie
Benjamin F. Shambaugh

*Deceased



The American Political Science Review

Vol. XXV

NOVEMBER, 1931

No. 4

PARLIAMENTARY CONTROL OF FOREIGN POLICY IN GREAT BRITAIN

EUGENE PARKER CHASE

Lafayette College

Parliament has today perhaps less supervision over foreign policy than over any other field of governmental activity. Such has been the case for over a generation, and such is still the case in spite of the Labor party's efforts to democratize the control of foreign affairs. That such a situation should exist is particularly strange, since the generally accepted theory of the English constitution assumes that foreign affairs are under the strict control of Parliament. Indeed, the governmental practice of the last forty years has largely violated theories formulated somewhat earlier. How this situation originated, and what its significance is, can best be understood after some examination of the theory and practice of foreign policy control.

What may be called the classical theories of the English constitution are largely the product of the writings of Bagehot and J. S. Mill working on the imagination of the generation which Gladstone dominated, and given emphasis by the Liberals of the seventies. Somewhat unthinkingly, perhaps, these theories won acceptance by Liberals and Conservatives alike. Authoritative statements of the constitutional theory of the control of foreign policy will be found, for instance, in Anson's *Law and Custom of the Constitution* and Halsbury's *Laws of*

England. Both of these works express a Liberal conception of foreign policy control; yet both are the works of Tories.¹

According to the classical theory of the constitution, Parliament exercises a broad supervision over foreign affairs through the House of Commons' general control over all servants of the crown, and in addition may check ministers in certain other specific ways, through questions, requests that "papers be laid before the House" in regard to a specific matter known to be under consideration, the debate on the Foreign Office vote in the budget, and motions for the adjournment of the House. The very important matter of treaties, however, is an exception to the rule, for over treaties, since they are legally within the prerogative of the crown, Parliament has little power. Treaties may be negotiated, signed, and even ratified in secret without the knowledge of Parliament; only those dealing with certain particular subjects are held to need specific parliamentary approval.²

The English constitution settled into its modern form after Palmerston died in 1865, releasing at last his forty-year grip on the administration of England, and particularly his generation-long hold on foreign affairs.³ In foreign policy control, however, the Palmerstonian system was the foundation of

¹ Anson published his first volume (*Parliament*) in 1886 and the second volume (*The Crown*) in 1892. The *Laws of England* was published in 1909.

² Such are treaties in which taxation is imposed, grants from public funds made necessary, existing trade and navigation laws affected, or private rights of subjects interfered with in times of peace. But even in these cases the sanction of Parliament is necessary only for the purpose of making the treaty binding on subjects of the crown and enforceable by its officers. Treaties ceding important territory may well have the consent of Parliament. The discussion in Halsbury, *Laws of England*, VI, 427-454, is an authoritative statement of the classical theory. Supplement No. 16 (1926), p. 418, gives some information on the handling of post-war treaties. Anson, *Law and Custom of the Constitution* (3rd ed., London, 1903), Vol. II, Pt. II, Ch. 6, gives a brief summary of the classical theory. An interesting and weighty attack on the classical theory as it applies to treaties was made by Judge Athelney-Jones before the Grotius Society on July 16, 1918. See Judge [Llewellyn Archer] Athelney-Jones, "The Treaty-Making Powers of the Crown," *Grotius Society Proceedings* (London, 1919), IV, 95ff.

³ He was foreign secretary in 1830-34, 1835-41, and 1846-51, and prime minister in 1855-58 and 1859-65.

what has followed. Palmerston himself gave the best description of the theories on which he acted, in his remarks to Cobden in 1859 when he had offered and Cobden was refusing a seat in the cabinet. Palmerston pointed out, according to Cobden's memorandum, "that as questions of foreign policy were now uppermost, and as those questions were in the hands of the executive, it was only by joining the government that I could influence them. 'You and your friends complain,' he said, 'of a secret diplomacy, and that wars are entered into without consulting the people. Now it is in the cabinet alone that questions of foreign policy are settled. We never consult Parliament till after they are settled. If, therefore, you wish to have a voice in those questions, you can only do so in the cabinet.'"⁴

This was the accepted doctrine of the time. It was susceptible to slight modification in two directions. First, a strong-willed foreign secretary (as Palmerston was) could have things largely his own way, either by coercing the cabinet or by acting without consulting it or even its head, the prime minister. Palmerston's "notion was that a foreign minister ought to be strictly bound to pursue the policy of the cabinet he belonged to, but that he ought to be left free to follow out that policy in the ordinary details of his office, without having every dispatch he wrote submitted to criticism and comment."⁵ In fact, he did pretty much as he liked, notwithstanding the frequent opposition of the Queen, the Prince Consort, and Lord John Russell, and it is only modern commentators who have therefore called him "arbitrary and unconstitutional."⁶ This individual control of foreign policy was strengthened by the fact that he kept details of administration as far as possible in his own hands. "He exercised an absolute despotism at the Foreign Office . . . without the slightest control, and scarcely

⁴ John Morley, *Life of Richard Cobden* (London, 1881), II, 231.

⁵ Evelyn Ashley, *Life of . . . Viscount Palmerston: 1846-1865* (2nd ed., London, 1876), I, 281.

⁶ See *Cambridge History of British Foreign Policy* (New York, 1923), II, 325-340. The words quoted are at p. 327.

any interference, on the part of his colleagues.” On the other hand, even under Palmerston there was already a feeling that the House of Commons was entitled to some supervision over foreign affairs, hard as it might be to supervise them effectively. At times, though only at times, Palmerston had to submit his policies to the will of the House.⁸ But as Sir Stafford Northcote wrote to Disraeli in 1864: “It belongs to Parliament, no doubt, to lay down the broad, general outlines of the foreign policy of the country. It belongs also to Parliament to criticize the action of the ministry when fully informed of it. But the difficulty of criticizing, while our information is imperfect, and the uselessness of criticizing after the event, detract seriously from the value of the parliamentary check, in nine case [sic] out of ten which arise.”⁹ It is significant that the only trace of interest we find in Palmerston as to what the public thought of his policies is seen in his close and confidential relations with the *Morning Chronicle*.¹⁰

Such was the old system of control of foreign policy—autocracy limited occasionally by the effective intervention of monarch, prime minister, or Parliament. The death of Palmerston

⁸ Greville's *Journal*, Pt. II, Vol. I, p. 298, as quoted in *Dictionary of National Biography* under Palmerston. His subordinates liked him because he stood up for them, never shrinking from questions in the House of Commons. See Sir Horace Rumbold, *Recollections of a Diplomatist* (London, 1902), I, 111. On the supervision of despatches in this period, see Hannis Taylor, *Origin and Growth of the English Constitution* (Boston, 1898), II, 551 n.

⁹ His policy was attacked by Roebuck in 1850. Papers were laid before the House. Cf. Edward Hertslet, *Old Foreign Office* (London, 1901), 72-73. There was a full-dress debate for four days. See Ashley, I, 211-227, and John Morley, *Life of William Ewart Gladstone* (London, 1903), II, 366-371. In such other cases as the Orsini affair (1858) and the Schleswig-Holstein affair (1863-64), Palmerston's policy underwent close scrutiny.

¹⁰ Andrew Larg, *Life of Sir Stafford Northcote, First Earl of Iddesleigh* (Edinburgh, 1890), I, 214-215.

¹¹ Its editor, John Easthope, given a baronetcy in 1841, attended daily at the Foreign Office and received and printed articles written by Palmerston himself. Sir Herbert Maxwell, *Life and Letters of . . . Fourth Earl of Clarendon* (London, 1913), I, 213. For relations of Clarendon, Aberdeen, and others with the press, see Maxwell, I, 281; Algernon Cecil, “The Foreign Office,” in Vol. III of the *Cambridge History of British Foreign Policy*; Sir Edward Cook, *Delane of the Times* (London, 1915), *passim*.

permitted a change, for both Disraeli and Gladstone based their political activities on a respect for the House of Commons and a desire to conciliate the electorate.

At the risk of over-simplifying a complex matter, the development from Palmerstonian autocracy to Gladstonian submission to popular judgment may be said to fall into three stages. The first was one in which Disraeli's government conducted foreign affairs quietly in the old-fashioned way. Up to the time when the Eastern question became acute in 1876, it would seem that Disraeli's cabinets seldom debated foreign policies.¹¹ It is to this question that England owes both a public interest and a parliamentary sharing in the control of foreign policy. With 1876 began a new stage of development, in which foreign affairs were constantly debated in the cabinet, and, because the cabinet was often divided, were brought from the cabinet into the arena of the House of Commons. From the confusion of the time¹² it emerges clearly that now and again the House of Commons had to be consulted, that the largely pro-Turkish policy of Disraeli (unpopular in both cabinet and country) was followed because Disraeli could sway the House,¹³ and that England's part in the Congress of Berlin, which for the time closed the Eastern question, was approved by the House.¹⁴

It was Gladstone who carried the development one step further, and made foreign affairs a matter of popular debate. Out of office, and faced by a Parliament both houses of which supported Disraeli's policies, the Liberal leader carried the Eastern question to the country. There he fought it with pam-

¹¹ At the time of the question of the Suez Canal shares in 1875, Sir Stafford Northcote remarked to the Prime Minister: "I know so little of the actual conduct of our foreign relations." Lang, I, 85. Again, in 1878, Sir Stafford, then leader of the Commons, was kept in intentional ignorance of a development in foreign relations. *Ibid.*, 109-110.

¹² It can best be studied in Lady Gwendolen Cecil, *Life of Robert Marquis of Salisbury* (London, 1921), Vol. II.

¹³ See Gwendolen Cecil, II, 138-139, and the remarks of James Bryce on March 19, 1886. 303 *Hansard's Debates*, 3s., 1420-21.

¹⁴ By a majority of 143. The Lords approved without a division. W. F. Monypenny and G. E. Buckle, *Life of Benjamin Disraeli, Earl of Beaconsfield* (London, 1910-20), VI, 358.

phlets,¹⁵ and more especially he made it the subject of his Midlothian campaign of 1880, the first great political campaign ever waged in England on an issue of foreign policy. In 1880, there was no foreign policy agreed on by both parties: Liberals and Conservatives differed, and the voter decided between them. Gladstone won; the enormous Liberal majority in the Parliament of 1880 was a popular condemnation of Disraeli's Eastern policy.¹⁶ The result of this struggle was not to make foreign policy a constant matter of public debate, but to crystallize the idea that knowledge and responsibility should no longer be concentrated in the hands of one man (as with Palmerston) or of the cabinet (as with Derby and Disraeli), but should be shared effectively by the House of Commons—in short, that foreign policy was a House of Commons matter.

It is significant of the change that the House of Commons even went so far, in 1886, as to attempt to decide just what Parliament's authority over foreign affairs was and how it was to be exercised. Mr. Henry Richard, M.P. for Methyr, opened the first of a long series of debates on this subject by his resolution: "That in the opinion of this House, it is not just or expedient to embark in war, contract engagements involving grave responsibilities for the nation, and add territories to the Empire without the knowledge and consent of Parliament."

Liberal as Gladstone was, he opposed the motion. Speaking as leader of the House, he answered Mr. Richard by the contention that the system in existence, though not ideal, did not work badly. And in what way, he inquired, would it be possible for Parliament to check the executive government? Prior communication with Parliament? A secret committee of the House? A committee would, he thought, be another cabinet.¹⁷ How

¹⁵ Morley, *Gladstone*, II, 552 and 560. Again in 1895 he wrote a pamphlet on the Armenian massacres. Morley, III, 521-523.

¹⁶ This bringing of foreign policies into public discussion was extremely distasteful to the small group which had previously had exclusive knowledge of them. In 1877, when Gladstone moved a series of resolutions on Turkey, he lacked "a single approver in the upper official circle." Alfred E. Gathorne-Hardy, *Gathorne Hardy, First Earl of Cranbrook* (London, 1910), I, 367.

¹⁷ In later years, a committee of the House was often urged as the solution.

could you carry on negotiations in the face of the press and the world? He would like to associate the legislature and the executive more in this matter, but did not know how it could be done.¹⁸ The resolution was defeated by only four votes. It was the apogee of parliamentary control of foreign policy in the earliest period in which that control really existed.

After Disraeli, Salisbury; and after Gladstone, Rosebery. Both followers differed from their predecessors, and Salisbury and Rosebery together brought about a system of control of foreign affairs more personal and autocratic even than that of Palmerston. Salisbury, naturally proud and reticent, was anti-popular in his whole conception of government. As Disraeli's foreign secretary, he had always fought (though sometimes unsuccessfully) for secrecy and irresponsibility in the control of foreign affairs.¹⁹ After he became prime minister, he achieved his end. To an unprecedented extent, he put himself outside the field of criticism. He combined the two offices of prime minister and foreign secretary, with the result that the conventional check of the one upon the other was lacking. He was a member of the House of Lords, and there immune from any direct contact with the House of Commons. At the beginning of his career he received a shock, it is true, when his government of 1880 was dismissed by the electorate because, as he thought, they disapproved of his conduct of foreign policy. He felt that, if the electorate were in control, no foreign policy worthy of the name was possible. Under democratic control England must abandon all idea of influence upon the world's affairs; her statesmen must henceforth be content with a hand-to-mouth diplomacy which attempted no provision for the eventualities of the future.²⁰ But to his delight a change came. A tradition of national policy independent of party changes was created,²¹ and the Foreign Office became as impenetrable and irresponsive as the tomb.

¹⁸ The debate is in 303 *Hansard's Debates*, 3s., 1386-1423.

¹⁹ For examples, see Gwendolen Cecil, *op. cit.*, II, 157, 163, 187-98, 217, 275-77.

²⁰ The words quoted are those of Lady Gwendolen Cecil, *op. cit.*, II, 380-81.

²¹ Lord Rosebery first formulated the desire for an agreed policy. He expressed

In addition to Salisbury's desire to control foreign affairs in his own way, and Lord Rosebery's romantic imperialism, three elements caused the change from a partisan and open discussion of foreign policy to the general acceptance of an agreed policy quietly administered. First of all, there were stirring domestic and "imperial" questions, such as Ireland, South Africa, and later the tariff, to occupy the attention of Parliament and the people. Second, there had been so many new developments in Europe that only a specialist could understand foreign affairs. And third, after the retirement of Gladstone, no Liberal was left to conduct an effective opposition to what Salisbury was doing. Rosebery, though he soon dropped out of Liberal party councils, always retained the reputation of being the only Liberal who was thoroughly conversant with foreign affairs. As such, he was the only Liberal whose criticism of Salisbury would be effective. But his sympathy with Salisbury's aims was such that he never criticized. As an inevitable result, when upon occasion Parliament tried to exercise its legitimate supervision over foreign policy, it found difficulties put in its way.²² Eventually, a slight but significant constitutional innovation was made to protect the Foreign Office against attack: the under-secretary of state for foreign affairs refused to answer supplementary questions in the House of Commons, the sole justification given by the leader of the House, Mr. Balfour, being that supplementary questions were embarrassing to the government.²³

himself thus in 1895: "If there is one thing in my life I should like to live after me it is that, when I first went to the Foreign Office as secretary for foreign affairs, I argued for and maintained the principle of continuity in foreign administration." A. L. Kennedy, *Old Diplomacy and New, 1876-1922* (London, 1922), p. 65.

²² The cession of Heligoland is an illustration. After the matter had become the subject of public interest, a series of questions were asked in the House of Commons, to none of which was the government willing to give informatory answers. After the Anglo-German agreement had been concluded, a bill was introduced to sanction it, and then for the first time the government discussed the matter. See *Hansard's Debates*, 3s., index to Vols. 346 and 347.

²³ See the discussion in 89 *Parl. Deb.*, 4s., 322-325. The innovation was maintained for several years.

When the Conservatives had exhausted the patience of the country and Sir Henry Campbell-Bannerman, an advanced Liberal, became prime minister in 1905, a change might have been expected. But the Liberal party, which had become divided into those who were still Gladstonian in foreign policy (the "Little Englanders") and the "Liberal Imperialists" who followed the policies of Disraeli and Salisbury, had no suitable persons for foreign secretary except Rosebery and Sir Edward Grey. Both were imperialists; since Rosebery was out of it, Grey became foreign secretary. While Sir Henry Campbell-Bannerman was prime minister, Grey was under the control of a strong man with democratic ideas of foreign affairs. When Campbell-Bannerman resigned in 1908, he was replaced by Asquith, personally intimate with Grey and sufficiently sympathetic with his point of view to give him a free hand.

The long and distinguished Liberal government of Asquith, from 1908 to 1915, showed a marked tendency toward autocracy in all fields of public administration. Foreign affairs were consequently left almost entirely in the hands of the prime minister, the foreign secretary, and the secretary for war, R. B. (later Lord) Haldane, all honest and intelligent men, but none of them inclined to appeal for parliamentary or popular support for their policies.²⁴ Without any positive desire to prevent the House of Commons from exercising its rights, they usually acted without consulting it; and when the war of 1914 began, the House of Commons realized that knowledge of England's international situation and obligations had not been shared even by all members of the cabinet.

The fact that autocracy ruled the foreign policy of England had not gone completely unobserved. "In practice, if not in theory," wrote Sidney Low in 1912, "our diplomacy approaches rather more closely to the ideas of Metternich than to those of George Canning. . . . In practice it comes to this:

²⁴ In his *Autobiography* (Garden City, 1929), pp. 231-33, Lord Haldane explains why members of the cabinet conducted the affairs of their departments as they liked, without consultation.

that we are almost at the mercy of two men—the foreign secretary and the premier—in the domain of foreign policy.”²⁵ These words were written shortly after the great debate of 1911 on the relations between England and Germany. This debate, one of the comparatively few on foreign policy during Asquith’s premiership,²⁶ indicated a cleavage between two wings of the Liberal party—the official wing, now sympathetic with the methods of Salisbury, and the radicals, many of whom later joined the Labor party and furnished some of its ideas.

Mr. Asquith justified the government’s conduct by stating that “the processes of diplomacy must be carried on under the cloud of confidence and more or less of secrecy. But that is quite a different thing from stating that the purposes and aims of foreign policy should be kept in darkness from the representatives of the people. I want to say quite frankly that, so far as I and my colleagues are concerned, we cannot plead guilty to any such charge.”²⁷

In other words, a Liberal prime minister implied that both the formulation of policy and its administration belonged to the government alone, and that the House of Commons need not be told of a policy until it had been carried into effect. This view was apparently shared by Mr. Bonar Law, leader of the Unionist party.²⁸ Mr. Ramsay MacDonald, leader of the Labor party, said that people should know more of what was going on, and referred to the suggestion that a House of Commons committee on foreign affairs should be instituted.²⁹ Others, including Mr. E. J. Dillon for the Irish, and Noel Buxton, Arthur Ponsonby, and Josiah Wedgwood for the radical part of the Liberal party, protested in their various ways that the situation was bad.³⁰ Mr. Buxton suggested that “the Foreign Office

²⁵ Sidney Low, “The Foreign Office Autocracy,” *Fortnightly Review*, Vol. 97 (January 1, 1912), pp. 3 and 5.

²⁶ Compare H. M. Swanwick, *Builders of Peace; Being Ten Years’ History of the Union of Democratic Control* (London, 1924), 41. The debate occurred in November and December, 1911, after the Moroccan negotiations.

²⁷ 32 *H. C. Debates*, 5s., 107. The whole debate is at pp. 43-166 and 2543-2662.

²⁸ *Ibid.*, p. 43.

²⁹ P. 80.

³⁰ Later these three Liberals became members of Labor governments.

attitude towards us [i.e., the House of Commons] is somewhat like that of the English lady, who was journeying in Italy, towards the natives. She made no remarks to the Italians, and her friends asked her why, when she could speak Italian freely, she would not do so. She said, 'They are only foreigners, it only encourages them.'³¹ Mr. Buxton also said: "Parliament *qua* Parliament might as well not exist so far as foreign affairs and foreign relations are concerned under the present system."³² Mr. Ponsonby said: "One always feels—I always feel—when talking about foreign politics or putting a question on them as if I was committing a very fearful indiscretion . . . I think questions on foreign affairs are a most unsatisfactory way of elucidating information. But it is our only weapon, and we must continue to use it."³³

The war of 1914 increased the secrecy and irresponsibility in the control of English foreign affairs. Not only did Asquith and Lloyd George completely refuse to confide in Parliament, but the opinions of other statesmen became more reactionary. In 1916, Lord Robert Cecil, ordinarily a moderate man, told the House of Commons that responsibility must be left to the government; and Sir Edward Carson, always an extremist, agreed, and maintained further (in striking opposition to the convention of the constitution) that as long as the government keeps the confidence of the House, so long must the House back up its foreign policy.³⁴ During the existence of the war cabinet, the control of foreign affairs was still further limited,

³¹ P. 118.

³² P. 2590.

³³ P. 2617. The only tangible result of this debate was an investigation as to parliamentary control of foreign policy in other countries. The investigation, made by the English government through its diplomatic representatives, showed that real parliamentary control of foreign policy existed in Europe only in Switzerland, the Netherlands, and Norway. *Parliamentary Papers*, Cd 6102 of 1912-13. There is a continuation, Cmd 2282 of 1924-25.

³⁴ Joseph Barthélemy, *Démocratie et Politique Étrangère* (Paris, 1917), 133. Even Gilbert Murray doubted in 1916 that the results would have been better had the English foreign secretaries since the Boer War always been obliged to ask themselves if Parliament would approve what they thought of doing. See his "Democratic Control of Foreign Policy," *Contemporary Review*, Vol. 109 (February, 1916), 180-192.

because the foreign secretary no longer sat in the cabinet but was subordinate to it, and the prime minister might deal with other nations himself and disregard the foreign secretary altogether.³⁵

At the same time, a small but increasing group of people who believed that autocracy had resulted badly in England agitated for a restoration of parliamentary control. They worked both in Parliament and in the country. On their initiative, the question of a committee on foreign affairs was debated by the House of Commons in 1918. Mr. C. P. Trevelyan, a former member of the government, who resigned in 1914 when England entered the war, moved: "That in the opinion of this House, a standing committee of foreign affairs should be appointed, representative of all parties and groups in the House, in order that a regular channel of communication may be established between the foreign secretary and the House of Commons which will afford him frequent opportunities of giving information on questions of foreign policy and which, by allowing members to acquaint themselves more fully with current international problems, will enable this House to exercise closer supervision over the general conduct of foreign affairs."

Mr. Trevelyan explained that it was the House of Commons' control of *policy*, not of every *act*, that he desired to secure. He was supported by Mr. Ponsonby, who pointed out that of the four regular opportunities the House had for the discussion of foreign affairs—the Foreign Office vote, the Consolidated Fund bill, motions for adjournment, and questions—the first three were unsatisfactory, and suggested that the proposed committee be of thirty to fifty members, its membership to be approved by the House of Commons. No method of control is perfect, he said, but a committee would help. It was suggested by others that a sort of collusion between the front benches kept foreign affairs out of the public gaze, and that a

³⁵ See the war cabinet *Report for 1917* (Cd 9005 of 1918), 1-4. Kennedy, *op. cit.*, 279, says that both Balfour and Curzon "acquiesced in the virtual relegation of the Foreign Office to a subsidiary department of the premiership."

committee would prevent such a condition. The House as a whole paid little attention to the motion, which was looked upon as the whim of a pacifist.⁸⁶

In the country, this same group of men agitated for liberal ideas of foreign policy control through the Union of Democratic Control, founded in September, 1914, by C. P. Trevelyan, J. R. MacDonald, Norman Angell, E. D. Morel, and Arthur Ponsonby.⁸⁷ Its first and chief aim was "to secure real parliamentary control over foreign policy, and to prevent it being again shaped in secret and forced upon the country as an accomplished fact."⁸⁸ If in the House of Commons these men were disregarded as pacifists, in the country they were often persecuted as unpatriotic or prosecuted as seditious. The effects of their activity did not show themselves until after the war was over.

When some measure of popular government returned to England after the armistice, the conflict, as yet unresolved, was renewed between autocracy and democracy in foreign policy control.⁸⁹ Mr. Lloyd George, with a reputation as a popular statesman to maintain, suggested that, beginning with the making of the treaties of peace in 1919, the conduct of foreign affairs was to be more popular and democratic. In the making of the treaties of 1919 he did indeed show himself occasionally responsive to feelings of members of Parliament—particularly

⁸⁶ The debate is in 104 *H.C. Deb.*, 5s., 841-901. The suggestion of a foreign affairs committee has been recurrent both inside and outside Parliament. See the debate of 1886 above. Low, *op. cit.*, says that he suggested such a committee some years ago. George Young, *Diplomacy Old and New* (New York, 1921), Ch. II, argues lengthily for it. Arthur Ponsonby, in his Fabian pamphlet *Democracy and the Control of Foreign Affairs* (London, 1912), thinks that a non-party committee would not work. Committees on foreign affairs have recently been instituted in the Belgian Chamber of Deputies and the Norwegian Parliament. Cf. *Parliamentary Papers*, Cmd 2282 of 1924-25.

⁸⁷ Swanwick, *op. cit.*, Ch. I.

⁸⁸ Swanwick, *op. cit.*, 32.

⁸⁹ It was a period, says Toynbee, when "the conduct of British Empire foreign relations ceased to be centralized in Whitehall," and "when the arrangements for the conduct of them were changing and growing very rapidly." *The Conduct of British Empire Foreign Relations since the Peace Settlement* (Oxford, 1928), p. vi.

the Conservative supporters of his coalition government⁴⁰—and from time to time during the peace conference he addressed the House of Commons on the matter of the negotiations. Parliament as such did have an opportunity to discuss the treaties, though only after they had been signed. The precedent established in the case of these treaties has since become a generally accepted convention, and all subsequent treaties of first-rate political importance have been submitted to Parliament for consideration and approval, after their signature.⁴¹ This was an advance in the democratic direction, definite if slight.

Early in 1919, however, on the reconstruction of the coalition government, Mr. Lloyd George made Earl Curzon his foreign secretary. Lord Curzon, trained in and approving of the old autocratic methods, coöperated with the prime minister in a foreign policy which was largely personal and secret, and which often changed from day to day. The results achieved gave no great satisfaction,⁴² but when Mr. Bonar Law succeeded as prime minister, Lord Curzon was retained in his position,⁴³ and the Conservative ministries of Mr. Bonar Law and Mr. Stanley Baldwin, from 1922 to 1924, might be described

⁴⁰ For instance, the celebrated telegram signed by over 370 M.P.'s demanding that he fulfill his election pledges on reparations. Henry Wickham Steed, *Through Thirty Years, 1892-1922: A Personal Narrative* (London, 1924), II, 320-321.

⁴¹ See Halsbury, supplement no. 16 (1926) on treaties since the war. "Every treaty since 1919 has been ratified by Parliament," says Swanwick in *Encyclopedia of the Labour Movement*, ed. H. B. Lees-Smith (London, 1928), I, 291, rather inaccurately.

⁴² "The new diplomacy consists in giving to the papers certain conclusions. So far as Parliament is concerned, it is a reassertion of the old autocracy," said Earl Midleton, a former Conservative under-secretary for foreign affairs, on February 7, 1922. See 49 *House of Lords Debates*, 5s., 40.

⁴³ The fall of the government of Lloyd George was occasioned by the Chanak difficulty, a matter for which Lord Curzon was in no way responsible. The incendiary declaration which caused the government's sudden unpopularity was the work of only four or five men (particularly Lloyd George and Winston Churchill). The cabinet was not consulted, and the foreign secretary learned of it from the newspapers. *Foreign Affairs* (London), IV, 117 (December, 1922). An excellent analysis of the Chanak (or Chanāq) incident will be found in Toynbee, *op. cit.*, 46-52.

not only as Conservative in foreign policy, but as reactionary in regard to methods of conducting foreign affairs. Parliament itself seemed satisfied with the loss of its influence. It is true that the more advanced members of Parliament, encouraged by the growth of liberal feeling in the country,⁴⁴ made attempts to advance their ideas, but without success. On November 27, 1922, Mr. Ponsonby asked if the government would in the future submit all treaties, agreements, and conversations with foreign powers to the House of Commons for approval. The prime minister answered that he was not prepared to commit himself to the grave constitutional changes proposed, and refused to allow a day for discussion.⁴⁵ With such a move failing in the English Parliament, a letter dated July, 1923, was sent to all members of all Dominion parliaments, signed by J. R. MacDonald and many other Labor and a few Liberal M.P.'s. Explaining that "a number of members of Parliament in Great Britain have for a long time been considerably exercised at the growing usurpation of the British cabinet over foreign policy," and asking the coöperation of the Dominion M.P.'s, it set forth the program of the reformers in the following "Annex": "That, in the opinion of this House, no act of war against a foreign state shall be committed directly or indirectly without the consent of Parliament; no international treaty whatever shall be ratified until it has been submitted to and approved by Parliament; no diplomatic agreement or verbal or written understanding with a foreign state, involving, even indirectly, military obligations, shall be finally concluded without the consent of Parliament; and no preparations for coöperation in war between the naval or military staffs and the naval or military staffs of a foreign state shall be lawful without parliamentary sanction; and this resolution shall be communicated to all states with which we are in diplomatic relations and to the League of Nations."⁴⁶

⁴⁴ In the election of 1922, E. D. Morel defeated Winston Churchill as candidate for Parliament in Dundee. Morel was one of the most notorious of the "pacifists."

⁴⁵ 159 *H.C. Deb.* 272. See *Foreign Affairs* (London), IV, 118 (December, 1922).

⁴⁶ *Foreign Affairs*, V, 23-24.

Such was the situation when suddenly, in 1924, there came into power a government most of whose members were pledged to a democratic control of foreign policy. No less than nine members out of Mr. MacDonald's cabinet of twenty-one were members of the Union of Democratic Control.⁴⁷ Mr. MacDonald himself took the Foreign Office, and Mr. Ponsonby, the most rigorous proponent of democracy, became under-secretary for foreign affairs. The Labor party was now, as far as administration was concerned, in a position to put its ideas into practice, though handicapped by the fact that its government existed only on sufferance and had to make a reputation for parliamentary conservatism. What the new government attempted to achieve was significant, being nothing less than parliamentary control of the treaty-making power. During the debate on the treaty of Lausanne, Mr. Ponsonby announced for the government "the intention of His Majesty's Government to lay on the table of both houses of Parliament every treaty, when signed, for a period of twenty-one days, after which the treaty will be ratified."⁴⁸ He announced further that during their term of office the ministers would inform the House of "all agreements, commitments, and understandings which may in any way bind the nation to specific action in certain circumstances."⁴⁹

The Labor party held office only nine months—so short a time that the new policy was hardly tested.⁵⁰ On their return to power, the Conservatives, true to their principles, reversed the policy. Sir Austen Chamberlain, the new foreign secretary, stated that the government to which he belonged did not consider itself bound by the precedent of the late government to

⁴⁷ Swanwick, *op. cit.*, 166-67.

⁴⁸ April 24, 1924. 181 *H.C. Deb.*, 5s., 2003.

⁴⁹ *Ibid.*; 2003-4. This declaration of the government, a marked innovation, did not go far enough completely to satisfy all the reformers. See *Foreign Affairs*, V, 249 (June, 1924).

⁵⁰ The business of the "Red" letter which caused the fall of the government was essentially a domestic question. It did suggest, however, to many observers one difficulty in the way of a more democratic conduct of foreign affairs: the probable preference of the permanent staff of the Foreign Office for old aims and methods.

lay all treaties on the table for twenty-one days before ratification.⁵¹ The "old era of secret treaties is to be gone back to again," was Mr. Ponsonby's comment;⁵² but the Conservative majority in the House of Commons was complacent under the prospect.⁵³

During the ensuing four years of Conservative rule, the foreign affairs of England were conducted with little consultation of Parliament, and policies were very largely determined by one man. Whatever may be the final judgment on the foreign policy of the second Baldwin government, there is no question that many of its more important developments arose out of personal and private negotiations between the English foreign secretary and statesmen of other countries.⁵⁴ Chamberlain seems to have created a series of relationships, not formal enough to be called alliances, between England and other European countries, the nature of which was concealed from Parliament and was probably not a matter of general cabinet information.⁵⁵

In only one respect during this period of Conservatism, did control and conduct of foreign policy grow more open. The dominions secured a definite understanding that they must give their approval in advance before the English government

⁵¹ 179 *H.C. Deb.*, 5s., 565, December 15, 1924.

⁵² *Ibid.*, 712.

⁵³ The Labor party's motion attacking the government was lost 132 to 363. *Ibid.*, 759.

⁵⁴ Sir Austen received almost sole credit in England for the success of "Locarno," and took equally the responsibility for the significance, whatever it was, of the confidential relations he entered into with Briand, foreign minister of France, and Mussolini, dictator of Italy.

⁵⁵ It is probable that nothing which could be called a secret treaty was made. Well-informed Englishmen were sure, in 1927, however, that a definite understanding existed between the governments of England and Italy. It is hardly necessary to call attention to Article 18 of the Covenant of the League of Nations providing for the registration of "treaties and engagements." England has presumably lived up to this article. Its one effect on the internal development of English foreign policy would be to limit the binding force of "understandings," "conversations," etc., to the statesmen who make them. It would not prevent an understanding, practically as binding as any treaty, between the Italian government and any given British government.

could bind them by its action on matters of foreign relations, and that treaties imposing obligations on any part of the Empire should be signed by a representative of the government of that part. The result was to impose an additional and very effective check on the English ministry in all matters of foreign policy affecting the dominions.⁵⁶

During the tenure of office of the Conservatives, members of the Opposition continued their attempts to establish a new order of things. Early in the life of the Conservative government, the Labor party adopted a resolution that "no treaty or conversation of any kind shall be binding upon this country or will be recognized as such by any future Labor government until it has been confirmed by Parliament."⁵⁷ On March 11, 1925, Mr. C. P. Trevelyan made a motion in the House of Commons in words similar to those of the program of 1923, but more definite still. He moved: "That no treaty shall be ratified and no diplomatic arrangement or understanding with a foreign state involving, directly or indirectly, national obligations shall be concluded without the consent of Parliament, and no preparations for coöperation in war between the naval, military, or air staffs, and the naval, military, or air staffs of a foreign state shall be lawful unless consequent upon such arrangement or understanding; and this resolution shall be communicated to all states with which this country is in diplomatic relations and to the League of Nations."⁵⁸

⁵⁶ On this whole question, see Arthur Berriedale Keith, *Responsible Government in the Dominions* (2nd ed. revised to 1927, London, 1928), Part V, Ch. V. The situation was clarified in the "Balfour Report" of the Committee on Inter-Imperial Relations of the Imperial Conference of 1926.

The Chanak incident of 1922 was the turning point in dominion autonomy in foreign relations. Two dominions which were asked by the English government to send troops to act against Turkey did not agree to do so, and the refusal of the Canadian government was marked by expressions of definite disapproval of a situation in which a few Englishmen could involve in war dominions which had not previously known anything about it. It is noteworthy that the English government several times clearly and emphatically indicated to the Canadian government that it did not want the correspondence in the matter laid before Parliament. Toynbee, 46-52.

⁵⁷ *Foreign Affairs*, VI, 223 (April, 1925).

⁵⁸ 181 *H.C. Deb.*, 5s., 1430.

Mr. Trevelyan explained that the Labor party opposed the "hatching of peace in secret even by well-intentioned rulers," and wanted foreign policy as much in the control of the House of Commons as domestic policy had been for a hundred years. He referred to the attempt of the late Labor government to inaugurate a gradual change, and its reversal by the Conservative government. Mr. Ronald McNeill, under-secretary for foreign affairs, replied for the government that Mr. Trevelyan was trying by resolution to modify the prerogative of the crown, and went on to point out that first-class treaties always have legislation to put them into force, the legislation being proposed between the signature and the ratification,⁵⁹ and that many other matters are small, or require speed, and so cannot be brought into Parliament. Sir John Marriott, a Conservative, expressed the opinion that the House of Commons has more real control over foreign affairs than any other European parliament,⁶⁰ though he would have lent an attentive ear to a request for a parliamentary committee on foreign affairs.⁶¹ The objects of foreign policy should be under parliamentary control, he believed, but "the mechanism . . . must in the interest of peace be committed to trained and expert hands."⁶² The Labor motion was lost by 133 to 255 votes.⁶³

Again, July 11, 1927, in the debate on the Foreign Office vote, Mr. Ponsonby raised the issue of conduct of foreign relations. He complained of the reticence of the foreign secretary. On this occasion Sir Austen Chamberlain defended himself, not altogether ingenuously, by stating that the government "will undertake no future engagements on behalf of our country without submitting those engagements to Parliament and hav-

⁵⁹ P. 1438.

⁶⁰ P. 1454.

⁶¹ Twice late in 1928 (November 13 and December 20) the suggestion of a committee on foreign affairs was again made, by Mr. L'Estrange Malone. On the second occasion, Sir Austen Chamberlain expressed his objections. 222 *H.C. Deb.*, 5s., 795-96, and Vol. 223, pp. 3412-24.

⁶² Sir John, of course, evaded the issue which the Labor party was raising, that objects and mechanism are often indistinguishable.

⁶³ The debate is in 181 *H.C. Deb.*, 5s., 1430-78.

ing the approval of Parliament for them . . . ,” and that “we have made, as a government, no binding engagement committing us to ultimate action in case of war without those engagements being submitted to this House and without the House having an opportunity to express its opinion.”⁶⁴

To the end of its term of office, the Conservative government continued its policy. Another reversal came with the accession to power of the Labor government of 1929. At once the Labor ministry announced, through the mouth of its foreign secretary, a return to its policy of 1924.⁶⁵ The second Labor government was, however, preoccupied with domestic matters. Except for the Naval Conference of 1929, with the five-power treaty which was approved by the passage of a bill through both houses of Parliament, little occurred to exhibit the new policy in practice.

A partial and incomplete victory has thus been won in England for more popular control of foreign affairs. Though recent Conservative governments have attempted to follow out the traditions of Salisbury and Asquith, nevertheless, under pressure of the dominions and of Parliament, the field of irresponsibility has been limited. Labor, on achieving power, has acted on new principles, and the Labor party has declared itself as favoring even greater popular control than so far exists. Though the exact nature of future developments cannot be foreseen, any return to pre-war secrecy and irresponsibility seems improbable.

⁶⁴ The adjectives “binding” and “ultimate” appear to be an essential part of the statement. The debate is 208 *H.C. Deb.*, 5s., 1762-1890. Only two days after this speech by Sir Austen, a question in the House of Commons elicited the fact that a treaty with the Hedjaz had been signed, and the promise that it would be “published after ratification.” *Ibid.*, 2120.

⁶⁵ July 17, 1929. 230 *H.C. Deb.*, 5s., 408.

THE JAPANESE PRIVY COUNCIL*

KENNETH COLEGROVE

Northwestern University

VI. THE POLITICAL ACTIVITY OF THE COUNCIL

The growth of the democratic element in Japanese government has not been without effect on the Privy Council. In the early years of its history, the Council and the ministry were institutions serving the same classes and seeing eye to eye. This was true not only under the presidency of Ito, Oki, and Yamagata (1889-94), but also even during a considerable part of the period when party government was struggling for supremacy. In those days, political parties in the House of Representatives were balked by the bureaucrats, clansmen, and militarists entrenched in the administrative branch, while the seats in the Council were occupied by the great leaders of these controlling classes. But the doctrine of ministerial responsibility had begun to take root. In 1895, the Ito ministry abandoned the principle of executive independence of political parties and accepted an alliance with the Jiyuto, or Liberal party. In 1898, the Kenseito, or Constitutional party, under the leadership of Okuma and Itagaki, was given the opportunity of forming the first party cabinet in the history of Japan. Upon its fall, caused by internal dissension, the succeeding ministry under Yamagata (1898-1900) contained no party men, although the premier condescended to an alliance with the Kenseito. In 1900, Ito himself formed the Seiyukai, and brought the second party cabinet into office. But it was not until the first Kenseikai ministry, under Okuma and Eato (1914-16), and the fifth Seiyukai ministry under Hara (1918-21), that well-grounded ministerial parties controlled the lower house. And even then, the day of no-party cabinets had not passed, for after the assassination

* The first instalment of this article appeared in the August number of the REVIEW. (*Erratum*: page 604, line 13, should read "1890," not "1930.")

of Hara and the disintegration of his party under Takahashi came three transcendent cabinets (Admiral Kato, 1922-23; Admiral Yamamoto, 1923-24; and Viscount Kiyoura, 1924). Following the resignation of the Kiyoura ministry, party government has made rapid progress. The bureaucrats and clansmen are now subordinated to the ministry; the solitary survivor of the Genro has pronounced himself in favor of parliamentary selection of the premier; the military clique has been weakened by the victory of the cabinet in the struggle over the ratification of the London Treaty; and the House of Representatives is beginning to overshadow the House of Peers.

Under this changing system, the ministers of state have tended to become experienced parliamentarians and more free from bureaucratic, clan, and militaristic influence. On the other hand, the personnel of the Privy Council has not materially changed in this respect. Thus, while the cabinet appears to be more representative of the new democracy in Japan, the Privy Council remains largely composed of bureaucrats, militarists, clansmen, and peers—representatives of the old order. At the same time, there has been a decided modification in the political relationships of the councillors. Under the presidency of Prince Ito and his immediate successors, the Privy Council preserved the impartial and aloof position assigned to it in the constitution. So strictly was impartiality observed that in 1891 Okuma was dismissed from the Council for holding parley with Itagaki, the leader of the Jiyuto.⁵⁶ The tendency toward political activity was manifest during the second Yamagata ministry (1898-1900). Party government had made its appearance, and although Prince Yamagata came to terms with the Kenseito, led by Hoshi, he sought to preserve the influence of the bureaucracy against the rising tide of political parties. The Kenseito supporters were rewarded by an increase in the salary of parliamentary members and by a disguised form of bribery in the sale of governmental forests and vacant lands; but the door to government posts was partially

⁵⁶ Compare Kudo, *Teikoku Gikaishi* (1901), Vol. I, p. 97.

closed by a new ordinance severely restricting the appointment of officers of *Chokunin* rank.⁵⁷

As late as 1910, Dr. Uyebara could write that there had been no serious conflict between the cabinet and the Privy Council, as "both have been and still are occupied by men of the same mode of thinking, in personal and intimate relations with each other, and both are responsible to the Emperor and not the Diet."⁵⁸ Although the cabinet of Admiral Yamamoto engaged in a serious brush with the Privy Council in 1913, it was not until 1922 that there began the long series of recurring conflicts between Council and cabinet which have been concomitant phenomena with the growing dependence of the cabinet upon the House of Representatives.⁵⁹

The controversy of 1922 is indicative of the increasing degree in which the Privy Council has abandoned its advisory for a supervisory capacity. One of the supreme issues at this time concerned foreign policy. The cabinet had adopted a program aiming to conciliate international attitude toward Japan occasioned by the aggressive policy in Manchuria and Shantung during the World War, of which the Twenty-one Demands of 1915 had been typical. The concessions made by Japan at the Washington Conference of 1921 were the first steps in the new diplomatic venture, and immediately won the applause of the world. In the Council, however, the reversal of policy toward China met the determined opposition of Count Ito-Miyoji and the little group of leaders, who now hoped to discredit Uchida, the foreign minister, and drive him from office.⁶⁰ It

⁵⁷ Compare article by Dr. Takeuchi on "The Japanese Civil Service," in *Civil Service in the Modern State* (Chicago, 1930), p. 520. Offices of *Shinnin* rank include such posts as ministers of state, ambassadors, privy councillors, and the procurator-general of the Supreme Court. *Chokunin* rank includes vice-ministers, prefectural governors, bureau directors, and parliamentary counsellors.

⁵⁸ Uyebara-Etsujiro, *Political Development of Japan* (London, 1910), p. 149.

⁵⁹ The controversy in 1913 concerned the policy of the cabinet to extend the list of army and navy officers eligible to appointment to the portfolios of War and Navy, as well as the proposed amendment to the *Bunkan Ninyo Rei*, or Ordinance Concerning the Appointment of Civil Officials.

⁶⁰ Compare article on "The Truth Regarding the Memorial of the Privy Council," in *Gaiko Jiho*, or "Revue Diplomatique," (Jan. 15, 1923), Vol. XXXVII, no. 2, pp. 415-423.

was impossible to block ratification of the Washington treaties; but the relaxation of Japanese intervention in China might be retarded. A point of attack for this purpose was found in a technicality regarding the Sino-Japanese postal convention of December 8, 1922, withdrawing Japanese post-offices in China.

This convention had been negotiated by the Kato cabinet in fulfillment of one of the obligations of the Washington agreements. Apprehensive of the Council's hostility, the cabinet apparently moved to secure the Emperor's sanction to bring the convention into effect before its submission to the deliberation of the Council—a procedure not entirely consistent with past practice. The leaders of the Council seized this opportunity to impugn the ministry's Chinese policy all along the line, and, on December 29, 1922, adopted a memorial to the Emperor. The cabinet then offered a counter-memorial; whereupon the lord keeper of the privy seal and the grand chamberlain were charged by the Prince Regent to consult with the two Genro (Marquis Matsukata and Prince Saionji) and prepare an imperial message urging coöperation, which in due course of time was delivered to the president of the Council and the premier.⁶¹

The ministry was considerably shaken by the Council's attack. Its position was indeed awkward, for the Diet had been allowed to labor under the impression that the treaty had come into effect with the Emperor's sanction, and later learned that the cabinet had accepted the Council's demand that it be regarded as an executive agreement not requiring ratification.⁶²

⁶¹ *Tokyo Asahi Shimbun*, Jan. 23, 1923, p. 1; *Japan Weekly Chronicle* (Kobe) Jan. 23, 1923, p. 112; Feb. 1, p. 133. Admiral Kato repeatedly refused to divulge in the Diet the content of any of these state papers, but enterprising newspapers published what was generally accepted as the text of the Council's memorial and the cabinet's counter-address. *Tokyo Asahi Shimbun*, Jan. 24, 1923, p. 1; *Tokyo Nichi Nichi Shimbun*, Jan. 24, 1923, p. 1; *Kwampo gogai*, Jan. 26, 1923, pp. 73-81, and Feb. 2, 1923, pp. 120-121; *Dai Shijurokkai Teikokugikai Shugiin Yosan Iinkai Giji Sokkiroku*, or Forty-Sixth Diet: House of Peers Budget Committee Proceedings, Pt. i, no. iii, p. 9. Compare *Japan Weekly Chronicle* (Kobe), Feb. 8, 15, and 22, March 1, 1923, pp. 182, 224, 227, 265, 295.

⁶² For the statements in the Diet, see *Kwampo gogai*, Jan. 26, 1923, pp. 73-81; *Dai Shijurokkai Teikokugikai Shugiin Yosan Iinkai Giji Sokkiroku*, Pt. i, no. ii, pp. 4-6; no. iii, p. 9; no. v, pp. 13-14. For the accounts of the "understanding" with the Council, see Miyata-Mitsuo (ed.), *Admiral Kato-Tomosaburo Den*, or

The opponents of the cabinet in the Diet took full advantage of the cabinet's blunder, while the newspapers denounced the premier's change of front. As a result, the Council scored a point against the cabinet, although it failed to block the liberal policy toward China.

VII. THE OVERTHROW OF THE WAKATSUKI MINISTRY

The climax of the Council's assertion of supervisory powers came in 1927 with the overthrow of the Wakatsuki ministry. The occasion was the attempt of the cabinet, during the financial depression, to avert a series of bank failures by allowing the Treasury to guarantee the Bank of Japan against all advances, up to 200,000,000 yen, which it might make to the semi-official Bank of Formosa, then on the verge of failure. On April 14, the cabinet reached a decision to enact the guarantee by means of an "emergency imperial ordinance." Thereupon the premier was admitted to an audience with the Emperor to explain the situation, and on his return from the palace he visited Baron Kuratomi, president of the Privy Council, asking for immediate consideration by the Council.⁶⁸ Without delay, the president appointed a committee of investigation headed by the vice-president, Dr. Hiranuma. Within two days, the special committee reported unfavorably to the ordinance. Baron Kuratomi then hastened to the official residence of the premier urging him to withdraw the proposed draft and to offer a new solution. The cabinet, however, determined to refuse any compromise with the Council.

A visit by Wakatsuki's private secretary to Prince Saionji,

"Life of Admiral Kato-Tomosaburo," (Tokyo, 1928), pp. 163-165; *Tokyo Asahi Shimbun*, April 12 and 13, 1923, p. 1; *Jiji Shimpō* (Tokyo), April 12, 1923, p. 1; *Japan Weekly Chronicle* (Kobe), April 19, 1923, pp. 548-549. It should be observed that Japanese jurists hold that executive agreements not requiring ratification need not be submitted to the Privy Council for approval. Cf. Minobe, *Gendai Kensei Hyoron* (1930), p. 104.

⁶⁸ *Tokyo Asahi Shimbun*, April 15, 1927, p. 3; *Osaka Mainichi Shimbun*, April 15, 1927, p. 1; *Jiji Shimpō*, April 15, 1927, p. 1. Compare *Japan Weekly Chronicle* (Kobe), April 21, 1927, pp. 452-453; *Japan Advertiser* (Tokyo), April 15, 1927, p. 1.

the last of the Elder Statesmen, apparently brought no solution. Accordingly, on April 17, the Council met at the imperial palace in the presence of the Emperor.⁶⁴ The meeting was attended by Baron Kuratomi and twenty other privy councillors; the Government was represented by the premier and eight ministers of state. Baron Hiranuma, chairman of the special committee, reported a recommendation that the ordinance be rejected. The premier addressed the Council in support of the measure, and was followed by Count Ito-Miyoji and Viscount Kaneko, who bitterly opposed the Government's proposal as unconstitutional. Finally, the ordinance was rejected by a vote of all of the privy councillors. The cabinet then retired to the premier's official residence and voted to resign; within the next hour, newspaper reporters watched the premier hasten to the imperial palace to tender the joint resignation of the ministry, and the grand chamberlain set out on his way to the villa of the Elder Statesman in Kyoto to seek his advice on the appointment of a new premier.

Politics in any country is full of ironies, and Japan is no exception. The Kenseikai cabinet had met defeat because of their proposal to aid the banks by the sum of 200,000,000 yen, whereas the Tanaka government, which now came into power, summoned the Diet and secured a guarantee of 700,000,000 yen. The parties in this short session of the Diet were almost evenly matched, and thus, while the Seiyukai mustered sufficient votes to pass the cabinet's financial program, the Minseito secured the passage of an impeachment resolution (*dangai-an*) condemning the Privy Council for an alleged violation of the constitution in obstructing the policy of the Wakatsuki ministry.⁶⁵ The spirit of the rebuke is typified by a passage

⁶⁴ Full, and apparently accurate, accounts of this secret meeting appeared in the newspapers. *Tokyo Asahi Shimbun*, April 17 and 18, 1927, pp. 1 and 4; *Jiji Shimpō*, April 18, 1927, p. 1; *Osaka Mainichi Shimbun*, April 17 and 18, 1927, pp. 1, 3, and 4. Compare *Japan Weekly Chronicle* (Kobe), April 21, 1927, p. 444; *Japan Advertiser* (Tokyo), April 18, 1927, p. 1.

⁶⁵ The text of the *dangai-an* was as follows: "Be it resolved, That the Privy Council acted improperly in reporting to the Throne its opinion against the Emer-

from one of the speeches in favor of the resolution which ran: "The Privy Council has acted *ultra vires* in rejecting an important policy formulated by a party cabinet which enjoyed an absolute majority in the House of Representatives. Its action was tantamount to a defiance of the popular wishes. The Privy Council is an enemy to democracy; the House should unite in removing this menace to democratic rule."⁶⁶

The Privy Council's victory over the cabinet had been largely due to certain untoward circumstances; the cabinet was unpopular; the country was in the midst of a financial depression (a recurring event which in all countries is more or less associated in the popular mind with the existing ministry); the ministry barely commanded a majority in the House of Representatives while its chief support, the Kenseikai, had less than a majority; and finally the ministry proposed the emergency imperial ordinance barely two weeks after the adjournment of the Diet—an act which raised the suspicion that the cabinet had despaired of securing the Diet's consent to its relief policy, and thus expected to proceed in defiance of the legislature. At the same time, the outburst of indignation from the liberal and conservative press after the announcement of the cabinet's new financial policy encouraged the Privy Council to take its firm position.⁶⁷

The constitutional question involved in this dispute is not new. Under the constitution, the Emperor may issue, by the advice of his ministers, emergency imperial ordinances dur-

gency Imperial Ordinance which had been drawn up by the former cabinet with the object of preventing the imminent financial disturbance and of preserving public welfare, thereby causing the unprecedentedly grave financial disaster." The resolution was adopted by a vote of 210 to 194. The Tanaka ministry and most of the Seiyukai opposed it. *Kwampo gogai*, May 3, 1927, p. 65. Compare *Japan Weekly Chronicle* (Kobe), May 19, 1927, pp. 548-549. After the fall of the Wakatsuki cabinet, the Kenseikai and a group called the Seiyuhonke combined to form a new party called the Minseito.

⁶⁶ *Kwampo gogai*, May 8, 1927, p. 64. Compare *Japan Weekly Chronicle* (Kobe), May 19, 1927, p. 548.

⁶⁷ For a résumé of this opinion, see the *Japan Weekly Chronicle* (Kobe), April 21, 1927, p. 453.

ing the recess of the legislature.⁶⁸ But such steps may be taken only when the Diet cannot be convoked. The Privy Council contended that the heavy financial guarantee to the Bank of Japan required the sanction of the Diet. The cabinet held that the emergency was so great that the delay of a fortnight for convoking the Diet would be disastrous.

The position of the Council as the interpreter of the constitution would have been more sound if the deliberations had been confined to the constitutional question. But it appears that the Council deliberated, not only upon the expediency of the cabinet's financial policy, but also upon its foreign program. In particular, Count Ito-Miyoji launched into a bitter attack of the Kenseikai's moderate policy in China.⁶⁹ It also appears that privy councillors had communication with Seiyukai leaders during the controversy.⁷⁰ Thus the Council itself was open to the charge of violating the spirit of the constitution by indulging in party conflict as well as by having disregarded Article VIII of the *Sumitsuin Kansei* forbidding the Council to interfere with the executives. Despite the unpopularity of the Wakatsuki cabinet, the liberal press deplored the fact that the cabinet had been stricken down by the autocratic action of the councillors.⁷¹ The episode illuminated the irresponsible position of the Council as an obstacle to parliamentary government, and invited a deluge of proposals for its reform.

VIII. SUPERVISION OF FOREIGN POLICY UNDER THE TANAKA MINISTRY

Some Japanese publicists have seen in the abolition of the Advisory Council on Foreign Affairs a tendency on the part of the Privy Council to enlarge its supervisory activities in

⁶⁸ For the text of Articles VIII and LXX of the constitution, see footnote no. 18 *supra*.

⁶⁹ *Tokyo Asahi Shimbun*, April 19, 1927, p. 1.

⁷⁰ Compare the evidence offered by Wakatsuki in a joint meeting of the Kenseikai and Seiyuhonto. *Tokyo Asahi Shimbun*, April 24, 1927, p. 3. *Japan Weekly Chronicle*, May 5, 1927, p. 495; May 12, 1927, p. 524.

⁷¹ For a résumé of the press, see *Japan Advertiser* (Tokyo), April 19, 1927, p. 6; April 20, p. 7; *Japan Weekly Chronicle* (Kobe), April 28, 1927, pp. 468-469.

the field of foreign relations.⁷² Whatever the case may be, it is true that since 1922 conflicts between the Council and the cabinet over foreign policy have been more frequent. Even the Seiyukai ministry under General Tanaka (April, 1927-July, 1929) found itself considerably circumscribed by the Council, despite the fact that the party's so-called "positive policy" in Chinese relations conformed to the ideas of Count Ito-Miyoji and the reactionary leaders. When this policy, which had led to the unhappy events of the Japanese intervention at Tsinan-fu, finally broke down in the spring of 1929, and the cabinet at last decided to withdraw the Japanese troops from Shantung, it was compelled to resort to a ruse to outwit the Council. Thus the important Sino-Japanese agreement of March 28, 1929, for the evacuation of Shantung was put in the form of an executive agreement, or exchange of notes, rather than a treaty in order to avoid its submission to the Council.

Various privy councillors took exception to this procedure, declaring that it was a violation of the constitution and of the *Sumitsuin Kansei*, and allowed their opinions to reach the press.⁷³ Meanwhile, General Tanaka had audiences with the Emperor and spent hours at the official residence of Baron Kurotomi seeking an "understanding." On April 10, the Government appeared before a plenary session of the Council hoping to secure some basis of compromise, only to be met with bitter condemnation.⁷⁴ But the agreements had been con-

⁷² The Advisory Council on Foreign Affairs was set up under Premier General Terauchi during the World War. Membership included the privy councillors, the premier, the ministers of war and foreign affairs, and two party leaders—Hara (Seiyukai) and Inukai (Kokuminto). Its ostensible purpose was to formulate a consistent foreign policy for Japan; its real purpose was to minimize opposition to whatever policy the cabinet should pursue. It was abolished in 1923 during the Kato ministry. A saying ran to the effect that it was created by a general and abolished by an admiral. Compare Sasaki-Saichō, "Advisory Council on Foreign Affairs," *Kokka Gakkai Zasshi* (Aug., 1917), Vol. XXXI, no. 8, pp. 1137-1169; Yoshino-Sakuzo, *Gendai Kensei no Unyo*, or "Contemporary Constitutional Government," (Tokyo, 1930), pp. 224-229.

⁷³ *Tokyo Asahi Shimbun*, March 30 and 31, 1929, p. 6; April 1, p. 2; *Osaka Mainichi Shimbun*, April 2, 1929, p. 1.

⁷⁴ Full, and apparently accurate, accounts of this secret session were published

cluded and could not be repudiated, and the cabinet was prepared to take its punishment at the hands of the Council. Indeed, it was reported in the press that General Tanaka had actually apologized both to the Emperor and to the Council and promised never again to evade the usual form of ratification. The Government, however, issued a denial of having made any such apology.⁷⁵

The struggle between the Council and the cabinet over the ratification of the Kellogg Peace Pact which followed closely upon the Tsinan-fu contest may be viewed as an attempt to preserve the unique sacredness of the Japanese Emperor against any heedless encroachments of the modern age. It may also be viewed as an attempt of the reactionary leaders of the Council to resist even the liberal foreign policies of a militaristic cabinet. To Western eyes, the cause of the controversy was trivial. In September, 1928, attention was called to the fact that in the negotiations of the Kellogg Peace Pact the Foreign Office had failed to eliminate some language that might be considered disloyal to the Emperor, namely, the phrase in Article I to the effect that the high contracting powers had concluded the agreement "in the names of their respective peoples." On the part of jurists of the conservative school, it was held that these words violated the spirit of the constitution, inasmuch as only the Emperor can be the high contracting party for Japan, and as the will of the state can be expressed through him alone. The executive committee of the Minseito took under consideration the use of this affair as a means of attack upon the Tanaka government; but the party never pressed the issue, and did not include it in the resolutions of censure which the party leader moved in the 56th session of the Diet.⁷⁶ In answer

in the press. Compare *Tokyo Asahi Shimbun*, April 11, 1929, p. 1; *Tokyo Jiji Shimpō*, April 11, 1929, p. 1; *Osaka Mainichi Shimbun*, April 11 and 12, 1929, p. 1; *Japan Weekly Chronicle* (Kobe), April 18, 1929, pp. 455-458.

⁷⁵ *Tokyo Asahi Shimbun*, April 12, 1929, p. 1.

⁷⁶ *Kwampo gogat*, Feb. 10, 1929, p. 51. *Japan Weekly Chronicle* (Kobe), Feb. 21, 1929, p. 215. Regarding the study of this issue by the Minseito, see *Tokyo Asahi Shimbun*, Sept. 16 and 19, 1926, p. 6.

to interpellation on this question, the premier stated the view of the Government to the effect that the pact in no way conflicted with the Japanese constitution, and that the cabinet would advise the Emperor to ratify without reservation.⁷⁷ The veteran Ozaki, who for years has played a lone hand in the Diet, tenaciously held to the antiquated constitutional interpretation and moved a resolution demanding that the Government advise the Emperor to attach a reservation to his ratification qualifying the objectionable phrase; but he found little support.⁷⁸ The course of events gave every indication of the approval of the House of Representatives, not only of Japan's acceptance of the Kellogg Pact, but also of the purpose of the cabinet to seek ratification without any explanatory reservation.

The Privy Council, however, demanded a reservation. In the ensuing negotiations between the Government and the Council, which ran over four months, the point was frequently made by certain privy councillors that the phrase "in the names of their respective peoples" had in America a democratic ring, that having been once employed in the Peace Pact it would come into frequent use in international agreements, and therefore that the Government required a rebuke and a warning to avoid the phrase in all future engagements.⁷⁹ In view of the Diet's apparent acceptance of Tanaka's statement that the pact did not require ratification with reservation as manifested by the defeat of Ozaki's resolution, the Privy Council was criticized by the liberal press as overriding the will of the representative organ of government.⁸⁰

The Tanaka ministry was in no position long to resist the Council, even in support of a correct policy. Inquiry into the murder of Chang Tso-lin, the war lord of Manchuria, had

⁷⁷ *Kwampo gogai*, Jan. 24 and 29, 1929, pp. 53, 57.

⁷⁸ *Kwampo gogai*, March 26, 1929, pp. 1026-39. Compare *Japan Weekly Chronicle* (Kobe), April 4, 1929, p. 40C.

⁷⁹ *Tokyo Asahi Shimbun*, June 12, 1929, p. 2. Compare *Japan Weekly Chronicle* (Kobe), June 20, 1929, p. 704.

⁸⁰ Compare editorials in the *Tokyo Asahi Shimbun*, April 6 and 11, 1929, p. 7.

disclosed evidence of unsavory conditions in the Japanese military occupation of Manchuria. Ultimately, on July 2, General Tanaka himself took responsibility for the Manchurian affair and resigned, and his cabinet with him. Previously, in a plenary session of the Council, in the presence of the Emperor, the ministry accepted an arrangement whereby the Kellogg Pact should be ratified with an accompanying declaration to the effect that the words "in the names of their respective peoples" had no effect in Japan.⁸¹ This declaration, in effect, constituted a reservation made after signature of a treaty—a very unusual procedure in Japanese diplomacy.

IX. THE RATIFICATION OF THE LONDON NAVAL TREATY

The succeeding Minseito ministry, under the premiership of Hamaguchi, in turn found its liberal foreign policy in conflict with the policy of the Council. The landmark in this controversy was the ratification of the London Naval Treaty. At the Naval Conference of 1930, Japan failed to secure the seventy per cent ratio in cruisers that she demanded, but the compromise with the United States won considerable applause for Japanese diplomacy throughout the capitals of the world. When instructing the Japanese delegation by telegram to accept the Reed-Matsudaira agreement, the cabinet found it necessary to overrule the objections of the chief of naval staff, who thereupon made a protest to the Throne.⁸²

⁸¹ As usual, the press carried full accounts of the speeches and votes in the Council. Compare the *Tokyo Asahi Shimbun*, June 27, 1929, p. 1; *Osaka Mainichi*, June 27, 1929, p. 1; *Jiji Shimpō*, April 27, 1929, p. 1; *Japan Advertiser* (Tokyo), June 27, 1929, p. 1; *Japan Weekly Chronicle* (Kobe), July 4, 1929, pp. 14-15. The triumph of the Council was somewhat marred by a logical speech on the part of Count Uchida, a privy councillor and former minister of foreign affairs, who had been dispatched by the Tanaka cabinet as an ambassador to sign the pact in Paris in August, 1928, and who now pointed out the inconsistency of the declaration. The position of the cabinet also was rendered awkward when, after a vote of the Council, Count Uchida resigned as a councillor, as a means of indicating the responsibility of the cabinet for the diplomatic blunder. For the official statement issued by the Foreign Office regarding the ratification of the Kellogg Pact, see *Tokyo Asahi Shimbun*, June 28 and 29, 1929, p. 1.

⁸² The instructions were drafted by the Foreign Office, over which Baron Shide-

The interpellations upon this matter in the Diet gave satisfaction to the majority in the House of Representatives.⁸³ But the Naval General Staff was opposed to the ratification of the treaty, and individual privy councillors indicated to the newspapers their intention to support the General Staff as against the Government.⁸⁴ The five months' controversy which ensued was a test as to whether the Privy Council and the military clique could force a compromise out of a ministry which enjoyed an overwhelming majority in the House of Representatives. The ministry stood firm, demanding ratification without reservation or any guarantees to the militarists. Fortunately for the cabinet, the ratification of the naval treaty was almost unanimously demanded by the powerful newspapers, while it was apparent that a failure to ratify it would bring not only world-wide reproach to Japan, but also annihilation upon the Privy Council.⁸⁵ It is a tribute to the power wielded by the Council that, against a popular ministry backed by a large majority in the Diet which upheld an obviously correct foreign policy, it was able to obstruct ratification for five months.

The first stage of the controversy concerned a contest between the ministry and the Naval General Staff over the latter's demand for assurances of a rigorous program of naval

hara presided; they were submitted by Premier Hamaguchi to Admiral Kato-Kanji, chief of naval staff; they were unanimously approved by the cabinet on April 1, and on the same day were cabled to London. On the following day, Admiral Kato made his appeal to the Throne. *Tokyo Asahi Shimbun*, April 2 and 3, 1930, p. 1; *Jiji Shimpō*, April 2 and 3, 1930, p. 1; *Japan Weekly Chronicle* (Kobe), April 10, 1930, pp. 360-361. Compare a careful study of this controversy by Dr. Sterling Tatsuji Takeuchi, "Japan and the London Naval Treaty," *Institute of Oriental Students* (1930), Vol. IV, pp. 37-7.

⁸³ *Kwampo gogai*, May 7, 1930, pp. 79-84; May 8, pp. 88-91; May 12, pp. 126-130; May 14, pp. 179-183.

⁸⁴ *Tokyo Asahi Shimbun*, April 4, 1930, p. 1.

⁸⁵ Compare editorials in the *Tokyo Asahi Shimbun*, April 6, 11, and 26, May 7, 1930, p. 7. For summaries of comments in the Japanese press, see *Japan Advertiser* (Tokyo), May 29; June 3, 14, and 24; July 23 and 27; Aug. 5, 6, and 10; Sept. 17 and 18; Oct. 1, 1930, p. 5. *Japan Weekly Chronicle* (Kobe), May 8, 1930; Sept. 25, 1930, pp. 371-372, 470-471.

replenishment in case the London Treaty was ratified—a contest in which the militarists were strongly heartened by intimations by privy councillors that they would not approve the treaty until agreement was reached regarding a naval plan acceptable to the General Staff.

In a controversy of this nature, the cabinet suffers the handicap of being unable to have civilians preside over the portfolios of war and navy, which under the well-known ordinances of Yamagata must be held by high ranking officers of the army and navy.⁸⁶ On this occasion, the cabinet was fortunate in that Admiral Takarabe, the minister of the navy and one of the Japanese delegates at London, had signed the treaty, and was thus bound to see it through. Upon his shoulders fell the unpleasant task of securing from the Naval General Staff a replenishment program compatible with the terms of the treaty and the national budget. Two months were spent in reaching agreement upon a naval construction program which, on July 23, won the reluctant approval of the Supreme War Council and was submitted to the Emperor.⁸⁷ On the following day, the premier was received at the imperial palace and made the usual petition to refer the treaty to the Privy Council. On the same day, the premier repaired to the official residence of Baron Kuratomi and asked for immediate consideration of the treaty.

To the exasperation of the cabinet, the president of the Council delayed the appointment of a committee of investiga-

⁸⁶ Under the ordinances issued by Yamagata in 1899, the ministers of war and navy are limited to generals and lieutenant-generals or admirals and vice-admirals. *Genko Horei Shuran* (1927), Vol. I, bk. iii, pp. 78, 88. The aim was to keep the army and navy under the control of the Choshu and Satsuma clans, and to preserve the military establishment against parliamentary interference. Compare the brilliant discussion of this subject by Yoshino in his *Niju Seifu to Iaku Joso*, or "Dual Government and the Supreme Command," (Tokyo, 1922), pp. 7-12, 43-45. Dr. Yoshino, who served until 1924 as professor of political history on the faculty of the Imperial University of Tokyo, is the chief literary opponent of the military clique in Japan. For some years he was a member of the editorial staff of the *Tokyo Asahi Shimbun*.

⁸⁷ *Tokyo Asahi Shimbun* (evening ed.), July 23 and 24, 1930, p. 1; *Japan Weekly Chronicle* (Kobe), July 31, 1930, p. 137.

tion for more than a fortnight.⁸⁸ This committee, when finally named, was headed by Count Ito-Miyoji, a determined foe of the Government.⁸⁹ According to usual procedure, the initial meeting of a special committee is devoted to the hearing of explanations by government officials, but on this occasion Count Ito-Miyoji excluded the ministers of state and devoted the meeting to securing an agreement of the members as to the tactics to be followed.⁹⁰ Then followed a series of ten sessions, with the premier, foreign minister, and Admiral Takarabe in attendance, while the committee badgered the Government with irrelevant attacks upon the method of negotiation of the treaty.⁹¹ The middle of September was now reached, Japanese prestige had declined because of the delay in ratification, and a deluge of criticism from the press was launched upon the obstreperous councillors. Finally, at the twelfth meeting of the committee, with no ministers of state present, the special committee surrendered and voted to recommend unconditional ratification of the treaty. On October 1, in a plenary session, in the presence of the Emperor, the treaty was formally recommended for ratification. The triumph of

⁸⁸ The delay was caused partly by the demand of Baron Kuratomi for a copy of the report of the Supreme War Council to the Throne. The Government, which consistently claimed that this report was a document of the War Council and not a cabinet paper, refused to move for its submission to the Council. Another excuse for delay was a petty quarrel with the Foreign Office over some details of translation of the treaty, such as the omission of "l" in the spelling of the name of an Italian plenipotentiary, Admiral Alfredo. Compare the *Tokyo Asahi Shimbun*, Aug. 5, 6, and 7, 1930, p. 1; *Japan Weekly Chronicle* (Kobe), Aug. 14, 1930, pp. 198-200.

⁸⁹ The special committee, appointed on August 11, consisted of nine members: Count Ito-Miyoji, Viscount Kaneko-Kentaro, Baron Yamakawa-Kentaro, Baron Kubota-Yuzuru, Mr. Arai-Kentaro, Mr. Midzumachi-Kesaroku, General Kawai-Misao, Baron Den-Kenjiro, and Marquis Kuroda-Chosei. The committee appeared to be chosen chiefly from members of the Council opposed to the foreign policy of the cabinet. General surprise was occasioned by the omission of Viscount Ishii, a former minister of foreign affairs. Cf. *Tokyo Asahi Shimbun*, Aug. 12, 1930, p. 2.

⁹⁰ *Tokyo Asahi Shimbun*, Aug. 17, 18, and 19, 1930, p. 1. Cf. *Japan Weekly Chronicle* (Kobe), Aug. 21, 1930, p. 232.

⁹¹ The special committee held meetings on August 18, 23, 26, 28; September 1, 3, 5, 8, 10, 12, 15, and 17. Full accounts of each meeting appeared in the press.

the Government was enhanced by a general condemnation by the press for the delay caused by the Privy Council and a renewal of proposals for its reform or abolition.⁹²

The attempt of the Privy Council to undertake the supervision of cabinet policy, as described in the preceding pages, naturally has forced the Emperor's highest advisory body more and more into the political arena. In recent years, privy councillors have favored the Seiyukai rather than the Minseito, the former party being more militaristic and imperialistic than their opponents, and thus finding support among the reactionary leaders of the Council. Antagonism between the Minseito and the reactionary group has developed into a political feud. The Minseito bitterly resent the fall of the Wakatsuki cabinet in 1927, while privy councillors complain of the impeachment resolutions passed in the fifty-third Diet. Indeed, we are told that when the Hamaguchi cabinet came into office in 1929 the new Minseito ministry was informed that an "understanding" would be retarded until the party made an apology to the Council for the *dangai-an* of 1927.⁹³

The party out of power is ever tempted to provoke a conflict between the cabinet and the Council, while the party in office expects its adherents in the Council actively to promote the "understanding" between the ministers and the Council. There is evidence that Seiyukai leaders played a rôle in the Council's decision to overthrow the Wakatsuki ministry. On the other hand, testimony is not lacking of various Minseito intrigues.⁹⁴ But down to date, the Minseito has more cause than its opponents to complain of the Council. As a result, a movement is developing within this party for the adoption of a program of reform of the Council.

⁹² *Tokyo Asahi Shimbun*, Oct. 2 and 3, 1930, p. 7; *Osaka Mainichi Shimbun*, Oct. 3, 1930, p. 5. Compare *Japan Advertiser* (Tokyo), Oct. 4, 1930, p. 7; *Japan Weekly Chronicle* (Kobe), Oct. 9 and 16, 1930, pp. 423, 558.

⁹³ Cf. *Jiji Shimpô* (Tokyo), Aug. 9, 1929, p. 7.

⁹⁴ For instance, the statement is made that it was Egi-Yoku, a leader of the Minseito, who first called the attention of Count Ito-Miyoji to the phrase "in the names of their respective peoples" in the Kellogg Peace Pact. Cf. *Tokyo Asahi Shimbun*, April 19, 1929, p. 6.

X. THE PERSONNEL OF THE COUNCIL

The liberal press in Japan paints a somewhat lurid picture of the Privy Council as an irresponsible group of superannuated, conservative, clannish, bureaucratic, militaristic, embittered old men. While this picture is an exaggeration, it is true that the personnel of the Council tends toward reaction. In the first place, most of the new appointees to the Council are officials who have reached or surpassed the retiring age in their respective services. As a result, the Council is composed of very old men, the average at present being seventy-three years.⁸⁵ Its membership of twenty-four includes four army and navy officers and at least fourteen bureaucrats.⁸⁶ There are a dozen ex-members of the House of Peers, and only a few who have served in the lower House. Only seven of the councillors have actually held cabinet posts, and none have held the premiership.⁸⁷ Four members are former university presidents, and three university professors *emeriti*.⁸⁸ One of the latter group is an ultra-conservative professor of law, and the others are from the departments of physics and chemistry—represent-

⁸⁵ The ages of the councillors are as follows: Kuratomi, 78; Hiranuma, 66; Ito, 74; Kuki, 79; Kaneko, 78; Kubota, 84; Tomii, 73; Ishiguro, 86; Yamakawa, 77; Kuroda, 64; Furuichi, 77; Matsumura, 80; Egi, 82; Sakurai, 72; Den, 53; Arai, 68; Kawai, 67; Ishiwara, 67; Kamada, 73; Suzuki, 66; Ishii, 65; Midzumachi, 68; Okada, 67; Fukuda, 66. Compare *Japan Year Book* (Tokyo, 1931), Appendix A.

⁸⁶ The militarists are Viscount Ishiguro (surgeon-general, retired in 1890), General Kawai-Misao (retired in 1927), Admiral Suzuki-Eantaro (retired in 1929), and General Fukuda-Masataro (retired in 1930). General Fukuda, who was appointed to the Council in 1930, was commander of the Tokyo garrison at the time of the earthquake in 1923 and was relieved of his command for laxity in regard to the massacre of Koreans and socialists, including the murder of Osugi-Sakae and his wife and nephew while in prison by Captain Amakasu. The bureaucrats include: Kuratomi, Hiranuma, Ito, Kaneko, Kuki, Kubota, Furuichi, Matsumuro, Egi, Den, Ishiwara, Midzumachi, Kamada, and Okada.

⁸⁷ The seven councillors who have held cabinet posts are: Ito, Kaneko, Den, Egi, Arai, Ishii, and Okada.

⁸⁸ The ex-presidents of universities are Kamada and Okada. The retired university professors are Tomii, Yamakawa, and Sakurai. Speaking strictly, Baron Yamakawa (*emeritus* professor of physics) should be included among the university ex-presidents, since he served as president of the Imperial University of Tokyo from 1913 to 1914, although during most of his academic career he was a physics teacher.

tatives of a body of scientists who can claim no special fitness for political office. The universities of Japan today include many progressive and scientific teachers of law, political science, economics, and sociology; but no representatives of the new school of social scientists are found in the Council.

It must be admitted that many eminent university professors of law have served on the Council. Baron Hozumi, who was called to the presidency of the Council in 1924, at one time had been a leading authority on Japanese civil law. Baron Tomii, who has served on the Council since 1926, was a distinguished professor of administrative law in the Imperial University of Tokyo. But almost invariably the appointees have been men of ultra-conservative opinions—men who precede the celebrated constitutional controversy of 1913 between Minobe and Uyesugi and the founding of the new school of jurisprudence.⁹⁹ In legalistic attainments, they have often overborne the young councillors in the foreign and interior offices who were their former pupils in the universities. But they are men who belong to the past rather than the present.

The four retired military officers naturally watch the interests of the army and navy; they played conspicuous parts in opposition to the ratification of the London Naval Treaty, and they have backed the policy of military intervention in China and Siberia.

Two among the oldest members of the Council merit special regard. In one respect, the appointment of Count Ito-Miyoji in 1899 and of Viscount Kaneko in 1906 was ideal, for both of these statesmen had a part in the drafting of the constitution.¹⁰⁰ For many years, Ito-Miyoji and Kaneko have sat in

⁹⁹ Dr. Ichiki-Kitokuro, a former university professor and a councillor from 1917 to 1925, may be considered as the one exception in recent years. Dr. Ichiki studied in Germany in 1890-93, and became professor of administrative law in the Imperial University of Tokyo in 1894. In 1900, he became a member of the House of Peers, in 1908 vice-minister of home affairs, and in 1912-13 served as chief of bureau of legislation. He was successively minister of education and of home affairs in the second cabinet of Okuma (1914-16). Since 1925, he has been minister of the imperial household.

¹⁰⁰ In 1884, the *Seido Torishirabe Kyoku*, or Bureau for the Investigation of

the Council and have asserted a peculiar authority as interpreters of this document. Their interpretations have tended to a strict and meticulous application of the constitutional language. Moreover, they have headed the most reactionary and militaristic group in the Council and participated in almost every decision which has extended the supervisory powers of the Council and obstructed parliamentary progress.

Several years ago an experiment was instituted to reduce the political activity of the Council by the appointment to the presidency of a scholar who had had no political experience.¹⁰¹ Accordingly, in 1924 the Kato ministry secured the appointment of Baron Hozumi, the distinguished ex-dean of the law faculty of the Imperial University of Tokyo. The experiment was a failure, for Baron Hozumi proved a willing tool of the reactionaries. Upon his death in 1926, the defects of an inexperienced president being apparent, the Wakatsuki ministry moved for the appointment of Dr. Ichiki, the imperial household minister; but Prince Saionji refused to sanction it, on the ground that a man of his sagacity was required in the small group of high officials who surround the Emperor; whereupon the ministry contented themselves with the appointment of the then vice-president, Baron Kuratomi.

It is possible, of course, to change the personnel of the Council over a period of years by the appointment of new councillors. But in view of the fact that the cabinet is expected to

Constitutions, was set up under the Imperial Household Department with Prince Ito as chief. The technical work of the bureau was in the hands of three officials—one a classical scholar, one a student with a European education, and the third a bureaucrat—namely, Inouye-Ki, Kaneko-Kentaro, and Ito-Miyoji. Prince Ito's hand guided the whole process of constitution-drafting, but in particular, Ito-Miyoji was concerned with the Law of the Houses, Kaneko with the Election Law, and Inouye with the *Commentaries*. Ito-Hirobumi, "History of the Establishment of the Imperial Constitution," in *Kaikoku Gojunenshi*, or "Fifty Years of New Japan," (Tokyo, 1907), Vol. I, pp. 129-130. In the English translation (London, 1909), see Vol. I, pp. 127-128. Compare article by Kareko in *Taiyo*, Mar. 8, 1909, pp. 127-128.

¹⁰¹ Compare Baba-Tsunego, "Personalities of the Privy Council," *Kaizo* (Oct., 1930), Vol. XII, no. 10, pp. 27-34; and his "Elder Statesmen and the Privy Council," *Taiyo* (Nov., 1927), Vol. XXXIII, no. 12, p. 95.

collaborate with the imperial household minister and the councillors themselves in the matter of appointment, the Government finds itself somewhat circumscribed in its selections. Moreover, the cabinet confronts a thorny problem of policy. If active and able men are raised to the Council, the tendency to expand its powers is thereby increased; if only retired officials are appointed, the reactionary influences are reinforced.

In concluding the subject of the personnel of the Council, it should be observed that the outstanding statesmen of today, corresponding to Ito, Okuma, Yamagata, and Saionji in the past, no longer sit in the Council. If found at all, they are in the ministry and the lower house; but this does not mean that the Council does not today contain men of distinguished ability.

XI. REFORM OF THE PRIVY COUNCIL

Proposals for the reform of the Council may be classified as follows: (1) reform of membership, (2) reform of procedure, (3) restriction of powers by imperial ordinance, (4) resistance by the ministry, and (5) abolition.

The first of these methods offers a possible solution for rendering the Council amenable to the cabinet. Under this head are included proposals that: (1) the membership be reduced from 24 to 15, (2) councillors be retired at a certain age, and (3) salaries be abolished.¹⁰² It is clear that a reduction in membership would give the cabinet a better opportunity to vote down objection to its policies within the Council, all the more so if the salaries of councillors were abolished and they took their office less seriously. On the other hand, it is difficult to see how the appointment of younger or more representative men would improve the relations of the cabinet and the Council, unless there existed a method whereby the cabinet might "pack" the Council in the manner that a British premier can overcome an obstreperous House of Lords.

Reform of procedure has been proposed within the Privy

¹⁰² Compare a symposium on reform of the Council in the *Tokyo Asahi Shimbun*, Oct. 13, 14, 15, and 16, 1930, p. 2.

Council itself. The latest occasion was last October, immediately following the humiliating attempt to impede ratification of the London Naval Treaty. The initial move came from Dr. Okada-Ryohei, one of the younger and more liberal councillors. Two defects were emphasized: first the incongruity of the present procedure whereby the president makes a preliminary examination of every measure before it is submitted to the study of the councillors, and second, the usage whereby the councillors who are not members of the special committees of inquiry are kept in the dark until the report is made in plenary session. Dr. Okada proposed that the regulations should be revised to provide: (1) that the first reading of a measure be held as soon as referred to the Council, (2) that after the Council has heard the Government's explanation of the measure, the president should decide whether it be referred to a special committee of inquiry or be examined by the chief secretary, and (3) that councillors other than members of the special committee be permitted to attend the committee sessions.

The proposals for reform met the resistance of the presiding officers of the Council and the most conservative members, on the ground that they were a veiled rebuke to the president and vice-president because of their tactics in regard to the London Treaty. Three informal meetings of councillors interested in reform were held after various plenary sessions of the Council.¹⁰³ At a third conference, which met on October 15, eleven members being present, it was decided to abandon the proposals to revise the regulations, on the ground that to do so would require revision of the imperial ordinance of 1888; but it was agreed that the usage of the Council ought to be modified in order to insure that a draft of every measure should be distributed among all the councillors as soon as referred to the Council, and that all the councillors should be

¹⁰³ Full accounts of the informal conferences were published in the *Tokyo Asahi Shimbun* (evening ed.), Oct. 9, 1930, p. 1; Oct. 11, p. 2; Oct. 16 and Oct. 30, 1930, p. 1; *Jiji Shimpō* (Tokyo), Oct. 9, 1930, p. 1; *Osaka Mainichi Shimbun*, Oct. 10, 1930, p. 1. Compare *Japan Daily Advertiser* (Tokyo), Oct. 16, 1930, p. 1; *Japan Weekly Chronicle* (Kobe), Oct. 16 and 25, 1930, pp. 458, 485.

privileged to attend the sessions of a special committee.¹⁰⁴ These proposals, simple as they were, never had the hearty support of a majority of the Council, and the objections of Kuratomi, Hiranuma, Ito, and Kaneko buried the project of reform.¹⁰⁵

The third group of proposals concerns the restriction of the powers of the Privy Council by means of an amendment to the imperial ordinance of 1888. These proposals, in general, aim at removing the tendency of the Privy Council to supervise the cabinet, subduing its political activity, and ultimately relegating it to the status of an honorary institution with some duties connected with the imperial household. Nagai-Ryutaro goes so far as to urge that the Council even now be shorn of all powers save those in connection with the imperial house-

¹⁰⁴ At the conference of October 8, Baron Tomii was appointed chairman. The following councillors appear to have been present: Tomii, Ishiguro, Furuichi, Okada, Ishii, Sakurai, Kamada, Kuroda, Arai, Matsumuro, Mizumachi, and Fukuda. The following day, the secretary-general called at the residence of Count Ito-Miyoji in regard to Dr. Okada's proposal. It was reported that Count Ito entered vigorous objection, stating that the proposal was nothing less than an expression of want of confidence in the leaders of the Council, and that the Council, unlike the Imperial Diet, was not used to tearing up tradition. Cf. *Tokyo Asahi Shimbun*, Oct. 10, 1930, p. 1. At the unofficial meeting of October 10, attended by eight councillors, Ishiguro, Matsumuro, and Furuichi protested against the adoption of reforms at a time when the Council was held in ill repute. Okada and others replied that this fact made the reforms all the more opportune. After the conference of October 15, which adopted two of the proposals of Dr. Okada, Baron Tomii reported the views of the conference to the president and vice-president. A few days later, it was stated in the press that Baron Kuratomi would take no action, on the ground that no change in rules was needed, inasmuch as a distribution of the referred measures could be made to the councillors at any time that there was a request for the same, while there was no assurance that councillors not members of special committees would attend the sessions of the committee after the privilege was extended to them. Cf. *Tokyo Asahi Shimbun*, Oct. 22, 1930, p. 3.

¹⁰⁵ It was reported in the press that after the plenary session and an audience with the Emperor on October 29, Kuratomi, Hiranuma, Kaneko, and the Secretary-General held a conference on Okada's proposals and came to the conclusion that, since all the steps taken had been informal, the president was not required to act other than to keep the question under advisement. Cf. *Tokyo Asahi Shimbun* (evening ed.), Oct. 30, 1930, p. 1. Finally, after the plenary session of November 5, Dr. Okada left the Council office without raising the question of reform. Cf. *Tokyo Asahi Shimbun*, Nov. 6, 1930, p. 1.

hold.¹⁰⁶ He would leave decisions upon administrative rules, ordinances, and ratification of treaties entirely in the hands of the cabinet; even the Council's power of interpretation of the constitution should go; if the ministry should overstep its authority, the House of Representatives will be the judge. On the other hand, Professor Royama, while proposing that the decision upon ordinances be left to the cabinet, and the ratification of treaties to the House of Representatives, would retain the Council as an interpreter of the constitution and an organ of the imperial household.¹⁰⁷ Limitation of the Council's powers also has the weighty support of Dr. Minobe, the distinguished professor of constitutional law on the faculty of law of the Imperial University of Tokyo. As a defender of the theory of parliamentary government, he recognizes little justification for its continued existence, save as an honorary body.¹⁰⁸

Another group of proposals center upon stiffening the backbone of the cabinet when in conflict with the Council. This method of curbing the Council has the advocacy of Ozaki Yukio, whose uninterrupted service in the House of Representatives since the first session in 1890 gives him a unique reputation as a political oracle. In a notable speech in the 53rd session of the Diet, he chided the members of the Wakatsuki ministry for their supineness in resigning when the Council refused to approve their project of an emergency imperial ordinance. The proper procedure would have been that of petitioning the Emperor for the dismissal of the stubborn

¹⁰⁶ "Reform of the Privy Council," *Chuo Koron*, No. 473 (June, 1927), pp. 55-63. Dr. Nagai was formerly professor of politics in Waseda University. For several years, he has represented Ishikawa-ken in the House of Representatives. He belongs to the Minseito, and served as parliamentary counsellor to the Foreign Office in the Wakatsuki ministry (1926-27), and as parliamentary vice-minister of foreign affairs in the Hamaguchi ministry (1929-31).

¹⁰⁷ Royama-Masamichi is professor of the science of administration on the faculty of law in the Imperial University of Tokyo.

¹⁰⁸ *Gendai Kensei Hyoron* (Tokyo, 1930), pp. 126-128. This compilation contains his articles on "The Privy Council" appearing in the *Kokka Gakkai Zasshi* (1925), Vol. XXXIX, pp. 391-410, 752-769; (1927), Vol. XLI, pp. 1357-1390.

councillors. Should the Emperor refuse the petition, the ministers, of course, must resign; but until their appeal to the Throne is rejected, they should remain at their posts.¹⁰⁹ This view has the support of such publicists as Dr. Yoshino-Sakuzo.¹¹⁰ Moreover, it has one precedent in its support; for we are told that when, in 1913, the Council opposed the proposal of the Yamamoto cabinet to extend the list of army and navy officers eligible for the war and navy portfolios and to amend one of the civil service ordinances of 1893, a threat by the premier to recommend dismissal of obstreperous councillors by the Emperor broke down the opposition. But the adoption of the practice is opposed by many able constitutional lawyers, like Minobe, who hold that such procedure is a violation of the spirit of the constitutional system as at present organized.¹¹¹

Complete abolition of the Privy Council is frequently demanded with rhetorical flourishes in the liberal press and in the speeches of the younger members of the Minseitō.¹¹² The leaders of the labor parties also demand its extinction.¹¹³ Clever critics are fond of referring to the Council as a third house, a nuisance to parliamentary government, a vantage point from which disappointed and superannuated politicians may vent their spleen on their enemies. But even here, on second thought, there is a disposition to tolerate the institution as a means of reward for distinguished services to the state and as an organ of the imperial household.¹¹⁴ While sym-

¹⁰⁹ *Kwampo gogai*, March 8, 1927, pp. 69-70.

¹¹⁰ "Reform of the Privy Council," *Chuo Koron* (June, 1927), No. 473, pp. 103-117. For an English translation, see *Japan Weekly Chronicle* (Kobe), June 2, 1927, pp. 596-597. Compare Baba-Tsunego, "Personalities in the Privy Council," *Kaizo* (Oct., 1930), Vol. XII, no. 10, p. 34; Sasaki-Soichi, "Reform of the Privy Council," *Tokyo Asahi Shimbun*, Oct. 16, 1930, p. 2.

¹¹¹ *Kempo Seigi* (1928), p. 564.

¹¹² For a manifesto of a group of the Minseitō adopted at the party's headquarters in Tokyo on June 25, 1928, see *Tokyo Asahi Shimbun*, June 26, 1928, p. 3.

¹¹³ Compare the statement of Katayama-Tetsu, one of the leaders of the Shakai Minshūto. *Tokyo Asahi Shimbun*, Oct. 13, 1930, p. 2.

¹¹⁴ Compare the following editorial from the *Jiji Shimpō* (Tokyo), Oct. 16, 1930, p. 3. "There is no room for a body like the Privy Council in a parliamentary system. As soon as party government was established, the Privy Council lost its reason

pathetic toward the movement for reform of the Privy Council, perhaps the majority of critics will hold with Professor Moriguchi that abolition of the Council is unjustified until such time as the House of Representatives more accurately reflects the opinion of the electorate.¹¹⁵

What of the future? Although the constitution of Japan was framed with a definite design of avoiding democratic rule and ministerial responsibility to an elected parliament, many of the barriers to parliamentary progress have been lowered during the past forty years. The Privy Council is one of the remaining obstacles in the way of this constitutional development. Granted that the progress of parliamentary government will continue, the future of the Council as an institution will depend largely upon the degree with which councillors adapt themselves to the new conditions. A continuance of the present tendency toward supervision of the ministry invites reconstruction and curtailment of powers, if not abolition.

for existence. If the Privy Council has continued with its powers unimpaired, it is because there has been no government strong enough to curb it. The Council ought to have been reformed, if not abolished, when it began to cause the downfall of cabinets. Should the Council continue to obstruct the Government as it did in the matter of the London Naval Treaty, it is safe to say that public opinion will soon force its abolition. There is only one way for the Council to save itself. That is to refrain from interfering in politics. If the privy councillors realize that the Council as now functioning is an institution incompatible with parliamentary government, all will be well. For the people will not destroy a harmless institution."

¹¹⁵ Moriguchi-Shigeji, *Kensei no Genri to sono Unyo*, or "Principles and Practice of Constitutional Government," (Tokyo, 1929). Dr. Moriguchi is professor of comparative constitutional law in the Imperial University of Kyoto.

THE POLITICAL OUTLOOK IN THE UNITED STATES

A SYMPOSIUM

The Prospects for a New Political Alignment.¹ Although a naïve economist, I am quite conscious of the way in which the forces of inertia, self-interest, and sentiment combine to give persistent vitality to those two old parties which, so far as ideas are concerned, are so perfect an example of the embalmer's art. Not only do these parties have the network of precinct and local organization upon which effective political work must rest, but they also furnish to ambitious men and women the sole avenues to immediate political power. Perhaps most important of all is the fact that their trade-marks and totemistic deities tap large wellsprings of genuine, if benighted, sentiment in the hearts of millions of humble and undistinguished men and women. To the farmers of the Middle West, the Republican party is still a glorious fellowship of the consecrated Knights of the Grail, who, in times past, prevented slavery from creeping up the Mississippi Valley, gave homesteads to the people, fought the Civil War, and bequeathed Abraham Lincoln to the ages. Similarly, nostalgic Southerners regard the Democratic party as an integral part in that vista of the glorious days before the Civil War when cotton was king and their statesmen dominated Capitol Hill, and also as the corporate representative of that chivalrous group of men in white armor who finally overthrew carpet-bag government and negro domination, and who by their efforts finally made Southern Caucasian civilization free at last.

Such being the assets of the old parties as going concerns, it is not surprising that progressively minded leaders like Senators Norris and Borah should wish to stay inside the party breastworks and utilize the accumulated resources of organization and sentiment for their own purposes, rather than to surrender the good-will value of the party label to their opponents.

And yet, despite all this, it seems—to me, at least—that the existing alignment of parties and of party policy is fundamentally inconsistent with those fundamental economic alignments which furnish the tap-roots from which both parties and political sentiment must ultimately

¹ An address before the American Political Science Association, December 30, 1930.

spring. Very briefly, the thesis which I wish to defend is that both the Republican and Democratic parties are now primarily business parties, operating consciously or unconsciously through their policies and ideas to protect the interests of the owners of industrial and commercial capital, and that they do not represent the interests of the two most economically important classes in the community, namely, the urban and town wage-workers and the farmers.

Economically, the face of America has been changed in the last seventy years from a nation of self-employed workers, who, whether as artisans, farmers, or merchants, were independent in their working life, to a nation of employees. This happened long ago in the fields of transportation, mining, and manufacturing, where the tendency is still markedly in the direction of ever-increasing concentration of employment. The chief remaining classes to preserve the old independence were the small merchants and the farmers, and upon this economic basis the equalitarian democracy of the Middle West largely rested. But the chain store is rapidly driving out the storekeeper and replacing him with the hired clerk and manager. Even more important is the revolution which the gas engine, manifesting itself in the tractor and combine, is effecting in agriculture. The old 160 acre farm will, in many sections have to give way to the 320 or 480, or even 640, acre farm which alone can afford the new machinery; and even the wheat farms of 500 to 800 acres will probably give way to the 2,000, the 4,000, or the 5,000, acre farm. The result of this change will be not only a still further diminution in the relative numbers of workers needed to feed the nation—and hence a further increase in the number of urban employees—but also a profound change in the composition of the agricultural population itself. Instead of most agriculturists being proprietors, as is now the case, they will be primarily farm laborers, not owning land, but instead working for hire. I should not be surprised, for example, to see in the next forty years a change from the 1920 ratio of two farm owners (or members of their families) to one farm laborer, to a very different ratio of one farmer to three, five, or even eight, farm laborers.

But while these economic changes have been and are occurring, the legal philosophy and political policies of the country, in so far, at least, as they affect the workers, are based primarily on the days of handicraft. Our legislatures and our courts still proceed on the assumption that individuals can protect themselves against the risks

of life, and that the inviolable freedom which is to be cherished above all others is the free right of free men to make free contracts. This is in part an inevitable result of the cultural lag which Professor Ogburn has so illuminatingly discussed. But to an even greater degree, this philosophy dominates our intellectual and political life, because the business classes have found it to be to their interest to foster it. For if I and my fellows possess the factories, the railways, the mines, we will naturally insist that those who can furnish only their hands or brains, and who have either very slender resources or none at all, should be left free to accept or reject work on the terms we offer. Having the resources, we can wait; they, not having the resources, are much more hampered. The policy of *laissez-faire* in labor matters is therefore the inevitable political philosophy of the possessing classes, since if the state will only keep its hands off, the sheer pressure of economic power will force the applicants to terms. And if the latter grow unruly about the blessings of the system of free enterprise, the state can then enter the field with police and militia and by force restore the system of free contracts. It is a small wonder, therefore, that the possessing classes are opposed to state interference, and that they are emotionally attached to that majestic equality of the laws which, as Anatole France once observed, "prevent the rich as well as the poor from sleeping under bridges and begging on the streets for bread."

But while this philosophy is very appealing in editorial and directors' rooms, in university clubs, and judicial chambers, it is not appealing to that ever-increasing proportion of the population who work for wages. They know that, being necessitous, they are not free. They would willingly give some of their vaunted freedom to sell their labor cheaply in return for protection by the state. Most of all, they want security against the severe menaces of unemployment, ill-health, and old age, and will increasingly demand a system of compulsory social insurance which will provide it.

Nor, I take it, will the American wage-earners permanently content themselves with their present unorganized condition. Sometime, sooner or later, the great mass-production industries of iron and steel, textiles, chemicals, and automobiles will probably be faced with a labor movement which welfare capitalism will find it difficult to avert. When this organization starts, the workers will find that if the local, state, and national governments are in the hands of their opponents, their

own efforts will tend to be defeated by the pressure which the state can and will tend to exert against them through the local and state police, by the legalization of the yellow-dog contract (backed up by injunctions to keep off organizers), and by rigid restrictions upon boycotting and picketing. In such a situation, they will naturally turn to political action, in order to remove the hostility of the state, as well as to obtain that degree of social insurance and protection which even unions cannot ordinarily obtain. The employed classes whose working lives have been socialized by industry, and the corporations, will then come to regard the state as a social agency which is to be used for their benefit. As soon as this notion becomes at all widespread and articulate, a political realignment will necessarily follow.

The second great group whose fundamental interests are violated by the present political set-up are the farmers of the Mississippi Valley, whose prosperity rests upon the trinity of wheat, corn, and cotton. These groups are greatly injured by the present protective tariff system, which, while throwing some aid to wool and to beet sugar, primarily benefits the manufacturers of textiles, steel, chemicals, glass, etc. These tariffs tend, on the whole, to raise prices, to encourage high-cost domestic producers to enter the field, and to increase the profits of the more efficient plants. The tariff therefore increases the prices of the clothing, blankets, linen, furniture, farm machinery, and fertilizer which the farmer buys. But it does more. By preventing Europe from selling as large a quantity of textiles, chemicals, etc., to us as it otherwise would, the tariff prevents Europe from buying as large a quantity of our wheat, our lard, and pork (which is manufactured corn), and our cotton as it otherwise would. These agricultural products are therefore thrown back upon the home market, and since they are characterized by an inelastic demand, the result is a more than commensurate reduction in price per unit. The result is that the total price realized by the farmers from the domestic market alone is less than what it would be under a system of free trade, to say nothing of the great added loss experienced on the foreign market. The farmers of the Mississippi Basin, therefore, suffer doubly from the protective tariff, since it at once compels them to pay more for what they buy and to receive less for what they sell. The tariff is a fundamental contribution to that disparity between agricultural and urban income which is the most conspicuous element in the "farm problem."

Nor do I expect the farmers to receive any permanent relief from

a policy of export dumping, whether explicitly ordered by legislation of the McNary-Haugen or export-debenture type or quietly carried out by the administrative orders of the Federal Farm Board. Such a policy would, to be sure, bring a temporary gain, because the higher total price realized from the smaller quantity sold at home would more than counterbalance the losses on the increased quantity sold abroad. But ultimately such a policy of dumping would still further increase the agricultural tariffs of Europe and promote the movement for the economic federation of the British Empire, with its attendant limitations upon the importation of raw products from outside the Empire. The throwing back of these products upon the United States, when combined with the initial increase in acreage and output which would surely follow, would, in my opinion, probably eliminate all the temporary gains, and possibly result in a still further degradation of American farm life.

The true road to farm relief lies, therefore, in an appreciable reduction in the tariff on manufactured goods. This would lower the prices of the goods the farmer buys and, by increasing European purchases, raise the prices of the products which he sells. The value of farm products would rise because of this double movement, and the present disparity between urban and rural living standards would in part be redressed.

Unless the Middle-Western farmers are as stupid as the East believes them to be, and which, as an adopted son of the Middle Border, I do not want to believe, they will ultimately work for a reduction in the tariff. We have here, therefore, a clear basis for the alliance between the urban workers and the farmers. Stated in its simplest terms, the only way in which the former can get social legislation on any extensive scale, and in which the latter can obtain tariff reform, is for each to support the other's program in return for support for their own. But this is not the sole basis for such an alliance, since there are at least four further policies on which their interests are in complete harmony. These are:

1. An increasing use of income and inheritance taxes by the federal government and by the states for the purpose of supporting increased social services such as education, health, and recreation for all the people. It is obvious how this would help the under-privileged families of urban workers; but it would also be of great aid to the farmers themselves. For such a program would furnish them with far better facili-

ties in these directions than they would themselves afford; while, at the same time, the state would assume a large part of the financial burden which education now imposes through the general property tax upon the hard-pressed farmers.

2. The stricter regulation of the rates and capital structures of the utility companies and the establishment of public super-power systems on the Ontario model. There can be no doubt that, in general, the state public service commissions have virtually lost control over the electrical and gas companies, and in all too many instances have been in effect controlled by the very utilities which they are supposed to regulate. *If* prudent investment could be made the basis for valuation; *if* the utilities could be restrained from adding large surpluses, supposedly accumulated for depreciation, but wrung, of course, from earnings, to their capital account; *if* the rate of return were limited to the actual competitive cost of obtaining capital, then the average of utility rates could, beyond doubt, be reduced, and at the same time a readjustment of rates between domestic, commercial, and industrial users of power would bring still further relief to the main body of consumers. At the same time, the vigorous development under public ownership of such projects as the Niagara power pool for upper New York, Muscle Shoals, Boulder Dam, and many other strategic possibilities should not only furnish power more cheaply to the immediate consumer, but also provide a measuring stick for private utility rates everywhere. These lower rates would, of course, lead to a very appreciable increase in the amount of power used in homes. Electric washing-machines, toasters, flat-irons, etc., would inevitably become more common, and a great burden would be lifted from those forgotten persons who lie at the base of our civilization, namely, the wives of farmers and urban workers.

3. The present break-down of production all over the capitalistic world has inevitably suggested the possibility of so planning and controlling our economy as to avoid gluts and so-called "over-production" and keep our industrial mechanism in a more perfect state of balance. This problem of a planned economy bids fair to be one of the outstanding economic and political issues of the present century, and no two classes have a greater interest in its solution than the farmers and workers.

4. Finally, just because the farmers and workers must pay the major portion of the human costs of war, these two groups are at

one in their interest in a world of peace. Once organized, they can be trusted to oppose with hard realism the sentimental fallacies which the militarists and professional diplomats weave around the concepts of glory and prestige.

There would seem, therefore, to be a thoroughly sound basis for such a farmer-labor alliance, which might well be joined by a section of the middle-class professionals and intellectuals.

Many readers will admit all this, but nevertheless believe that one of the two old parties can become the chosen vehicle for this new movement. Let us see. It will not be denied that changes such as I have proposed will be fought bitterly by the owners of manufacturing, transportation, mining, public utilities, and banking. Such a program would lower the prices of some products, increase the outlay for labor, diminish profits, and leave the owners much less powerful than they now are. In order to defend both their power and their profits, the interests would naturally oppose the movement with all their might. Such being the case, is it not idle to expect the Republican party to become the national agency for any such program or movement? It is, with rare exceptions, openly the party of the business interests. If, indeed, one studies its composition, one finds it, in general, to be directed by a powerful fusion of high finance, corrupt machines such as those of Philadelphia and Chicago, and slippery politicians of the Ohio-Indiana model. Here and there, to be sure, a Pinchot and a Norris may struggle bravely for such a program as has been proposed. But the experience of the last election has shown that when this happens, the Republican organization will, at the order of those behind them, support the Democrats. Thus the Vare machine, and General Atterbury, president of the Pennsylvania Railroad, supported the Democratic candidate for governor in preference to Gifford Pinchot, who had pledged himself to try to reduce public utility rates; while we have learned of the surreptitious efforts of the chairman of the executive committee of the Republican national organization to defeat Senator Norris in Nebraska and to elect a Democrat in his stead. While the progressive group within the Republican party may be able to capture a few states, it would seem impossible for them to capture the national party itself.

Nor, in my opinion, is the Democratic party much more likely to become the agency for such a movement. For it is fundamentally composed of conservative Southern elements, now strongly tinged with

industrialism, and the corrupt political machines of Boston, New York, and Chicago. The leaders in this party are, moreover, anxious to win the favor of big business. This was evidenced not only by the behavior of the party in Pennsylvania and Nebraska to which I have referred, but of course strikingly so by their national abandonment in 1928 of their historic low-tariff policy and by their adoption of protection. Governor Smith, in his Louisville speech, stated with all the force at his command that the Democratic party is now committed to a high tariff policy. Similarly, the later widely-advertised pledge of seven Democratic leaders that they could be depended upon not to hurt business was but an outward sign of a deep-seated inner tendency.

I should like to submit, therefore, that when this new movement begins to gather real headway, it will probably be driven to form, on a national scale, a new party. To this party will attach themselves sections of the present Republican party such as those represented by Senators Norris, LaFollette, Borah, and Governor Pinchot, and also sections of the Democratic party such as those now represented by Governor Franklin Roosevelt, Senator Wheeler, and Governor Wilbur Cross. Such an actual party has come into being in one state—Minnesota—where, despite lax party discipline, the governor, lieutenant-governor, and a United States senator are all representatives of the Farmer-Labor party, and where the party has recently elected its candidate as mayor of Minneapolis. In Oregon, moreover, an independent candidate for the governorship has been elected on a public utility program very similar to that which I have outlined. There are already nuclei for such a movement in a number of other states.

This analysis may seem to some people to be dominated by a will-to-believe, rather than by the realities of the situation. I would not have you think that I am unaware of the enormous obstacles which lie in the way of the successful functioning of any such party. It will take time, and perhaps a great span of years, before such a political realignment takes place. For, in addition to the fact that the older parties have the organization, the press, finances, and powerful wells of sentiment, there are many other barriers as well, of which the following are, perhaps, the most important: (1) the ability of the Supreme Court to render political action nugatory by declaring acts unconstitutional will discourage large groups of voters from the hope of ever changing anything fundamental by political action; (2) the issues

of prohibition will unfortunately tend to divide the farmers and urban workers as well as the two old parties, and will retard the realignment along economic and social lines; (3) the relative lack of interest of the skilled American Federation of Labor unions in the organization of the unskilled and semi-skilled will hold back the organization of the latter classes, and consequently delay their participation in politics; (4) the relative importance of the states will for long throw the chief emphasis for progressivism upon state movements; (5) the existence of the direct primary will intrigue large numbers with the idea that they can capture the old parties; (6) the independent election of the executive and the fear of throwing away one's vote will initially restrain many timid liberals from supporting such a new grouping, lest, in doing so, they aid the party they like least to come into power.

But potent as these obstacles are, if my analysis of economic tendencies is correct, a political re-grouping should follow some time within the next quarter or half century which will express the solid, but hitherto relatively inarticulate, interests of the Middle-Western farmers and the fast swelling ranks of urban and town workers. Such a re-grouping will be necessary, not only to accomplish the ends which I have mentioned, but in order to prevent progressives from cancelling their votes on a national scale, to permit them to control their leaders, and to arouse that popular enthusiasm which a mere program of "boring from within" is helpless to invoke. After all, a half-century is but a short period in the life of a nation, even though a long period in the life of a man. And to those who doubt whether or not my analysis is correct, I am willing to leave the issue to the arbitrament of time, and to invite the political scientists of 1981 to correct my prophecies of 1931.

PAUL H. DOUGLAS.

University of Chicago.

Trench Warfare. Professional students of American politics, like other members of the governed classes, have their private reasons for discontent with the present administration at Washington. The business depression, to be sure, has not injured the educational interests of the country to the same extent as most others. Decreased income from tuition and endowments has reduced somewhat the demand for young Ph.D.'s in colleges and universities, and the Ameri-

can Association of University Professors has received an extraordinary number of calls for help from older teachers who have been laid off for more or less obscure reasons on the plea of lack of funds. But in general, education seems to be one of the public services for which the public will not readily reduce its effective demand. Boys and girls continue to grow up in bad times as in good, and the increasing difficulty of finding remunerative employment only stimulates the desire for further education. Professorial salaries, once fixed, are not easily reduced, and the fall in the general level of prices leaves most professors better off than before. Hence the private reasons of professors of political science for discontent with the present administration, though no less exigent than those of other members of the governed classes, are of a peculiar nature.

In the first place, the present administration has not fulfilled the high hopes of many political scientists for improvement in the methods of legislation at the national capital. It was hoped, for example, that the executive would take a vigorous initiative in recommending measures to the Congress and would make greater use of technical experts in the preparation of administration measures. The previous record of the chief executive in the Food Administration and in the Department of Commerce seemed to justify these hopes. But they were destroyed by the Hawley-Smoot-Grundy tariff. Twenty years had elapsed since the first effort by the Taft administration to take the tariff out of politics through the establishment of a tariff commission. Nevertheless, the Hawley-Smoot-Grundy tariff was made by the Congress in the same old way as before, and the Hoover administration made no effective effort to secure for its tariff experts a more influential part in the process of tariff-making.

There were two grounds for this failure. One was the inability of the administration to discover a principle of tariff-making under which the task of finding rates embodying the approved policy of protection could be delegated to an administrative agency. Even such a bare rule of reason as is established for the guidance of the Interstate Commerce Commission was lacking in the case of the Tariff Commission. The other was the unreliable character of the agency itself. The personnel of the Tariff Commission was not such as to warrant any reasonable expectation that the tariff could be taken out of politics by entrusting a larger share of the power of tariff-making to such a body. The revision of the tariff was the administration's best op-

portunity to improve the legislative process. Its failure was particularly disappointing to professional students of government, since it is they, above all members of the governed classes, who attach the greatest importance to the processes of government.

A second cause for dissatisfaction with the present administration on the part of professional students of American politics is closely related to the first. The present administration has not brought about the hoped-for improvement in the administrative personnel. The most urgent need is for the employment of scientifically-trained men in administrative positions where a wide discretion must be exercised. This need is recognized in the army and navy, and to a lesser extent in the administration of justice. It is recognized also in appointments to positions in the services which utilize the natural scientists. No chief executive now ventures to man the responsible posts in the Geological Survey, the Bureau of Standards, or the Weather Bureau with lame-duck congressmen or unemployed campaign managers. But there is no such hesitation in filling the posts which should utilize the social scientists. During the World War, economists and sociologists and statisticians were found to be very useful in Washington and were employed in large numbers. They should be used also in times of peace. It is not only the Tariff Commission which suffers from the predominance of political considerations in the selection of its members. Why should such a body as the Court of Customs and Patent Appeals be treated as a place of refuge for retired congressmen? Why should not the most capable among the young economists and lawyers in the service of the Federal Trade Commission or the Federal Reserve Board be able to look forward to eventual appointments of high authority in those services? There can be no satisfactory utilization of technical experts in the business of government unless chief executives are willing to appoint the most competent technicians to all the posts which require technical competence.

Another ground of discontent, felt with peculiar intensity by professional students of politics, is the abuse of expert service when actually available. President Hoover has emphasized his desire always to act upon adequate information in the conduct of the executive branch of the government, and, partly to this end, has appointed an unprecedented number of investigating commissions. It is too soon to pass a final judgment upon this policy of the present administration. Necessarily, enough time must be allowed for its results to be-

come manifest. But the signs are not auspicious. Outstanding among these investigating bodies is the Wickersham Commission. Its membership was admirable. Its reports were carefully prepared by competent technicians. Most of these reports have been released too recently for the administration to have shown what it can do with them. But the most interesting of them all—that upon the observance and enforcement of the Eighteenth Amendment—was treated with scant respect by the head of the administration, and, it is now clear, his example is likely to be followed by most others whom it might have concerned. This is greatly to be regretted, not only because the members of the commission had done a good deal of hard thinking, which might have been helpful to the administration, but also because the slighting of the report tends to discourage the future use of experts in similar investigations and to discredit the method itself as an administrative process. The very name of the Wickersham Commission threatens to become a by-word for political futility. To the governed classes in general, who are more concerned with the substance than with the forms of governmental action, the contumely and contempt with which the report has been treated is merely an emotional by-product of an otherwise barren incident. To the professional student of politics, it is a grievous casualty in the battle for more competent and less irresponsible government.

Other abuses of expert service require to be noted. There is the dismissal or resignation of experts on account of their refusal, as alleged, to countenance the public misrepresentation of technical findings. Recently the Secretary of Commerce has invited the president of the American Economic Association to investigate charges by economists formerly in the public service that they were pressed by their official superiors to alter their professional opinions on technical matters in a sense more favorable to the measures of the administration. Such charges, if shown to be well founded, would weigh heavily against the present administration in the minds of professional students of politics. Of similar import is the employment of governmental economists to assure the public that, whatever may be the state of the nation's business, there is nothing fundamentally wrong with the existing economic order. What would be thought of a weather forecaster who, observing the signs of an impending storm, should hasten to remind the public that our climate is fundamentally sound, or a weather bureau which should conceive its prime function to be the maintenance

of public morale rather than the supply of reliable information to navigators and others concerning the nature and extent of areas of depression? No doubt there are psychological as well as strictly economic factors in a business depression, which psychologists (or politicians), but not economists, may properly deal with. But it would be as poor a service to the American public to use economists outside their proper sphere as to refuse to use them within it. It would also be a disservice to the economists themselves. The former aspect of the matter is the one of most immediate public concern; the latter, however, is that which touches most closely the professional student of politics. It threatens to create new and unnecessary obstacles to the wider utilization of experts in the business of government. And the wider use of experts in the business of government is an improvement which professional students of politics have very much at heart.

Professional students of government will be the first to admit that these grounds of discontent with the present administration are of a peculiar nature. The governed classes in general cannot be expected to take much interest in political issues which do not directly concern them, unless they carry an emotional appeal as well as (or in lieu of) an appeal to reason. These grounds of discontent concern directly only the special groups from which the experts may be drawn. They carry no strong emotional appeal to other members of the governed classes. They can play no important part in the next presidential campaign. They must be dismissed as influential factors in the alignment of political forces. Professional students of government, who wish to view the political scene in a scientific spirit, will put them out of mind. Whatever influence these private reasons for discontent may exert upon their own political behavior, they must not be allowed to disturb their professional calculations. The problem is, How may the next presidential election be expected to turn out, and, more particularly, May it be expected to turn out differently from the last? The essential elements in the solution of this problem are these grounds of discontent which are not peculiar to political scientists.

There is always, a year or more before the election, a widespread sentiment in favor of a change of administration. To say nothing of the partisans of the defeated candidate at the preceding election, there are those supporters of the victor who would have preferred the leader of a different faction in the party, or at least a man of a different type, or who have been disappointed in the conduct of the

administration. Added to all these ordinary malcontents, there are now the victims of business depression. Their disaffection is not diminished by the recollection that an outstanding feature of the last campaign was the promise of continued prosperity by the eventual victor. If the business depression should remain through the next campaign, there could be no doubt about the outcome. Any candidate whom the hitherto dominant Republicans might nominate would be defeated by any Democrat who might be chosen to run against him. And of course it is possible that there will be no change for the better before November, 1932. But it is possible, indeed probable, that there will be by then, if not a definite change for the better, at least some sign of impending change. And no depressed follower of the party in power who has found a job by election day, or hopes to find one afterwards if the election does not go the wrong way, will turn against the Republican candidate. Discontented politicians may gamble, if they like, on the continuance of the present depression. But professional students of government will not do so, or, if they do, they will not bother to write articles about the prospects of the Republican party in 1932. The promise of a return to normal in business means a return to normal also in politics. Discontented Republicans are not ordinarily able to choose between the official party candidate and a candidate of their own selection. They are forced to choose between the official candidate and a candidate selected by the Democrats. It is not surprising that the discontent of a year or more before the election among the members of the dominant party ordinarily evaporates by election-day; in default of a continuance of business depression, it may be expected to do so this time.

A return to normal means a victory for the Republicans. Ever since the sound money campaign of 1896, there have been more Republicans than Democrats in this country. The Democrats cannot hope to win, if the Republicans do not quarrel among themselves as in 1912, except by finding an issue which will make a strong appeal to some powerful interest on the Republican side, or which can be so effectively dramatized as to arouse popular emotions regardless of party. The Democrats succeeded by the latter method in 1916 with their issue of "he kept us out of war," but such success is always unpredictable. It depends too much on circumstances beyond the control of politicians. The former method is more within the control of politicians, but it involves a substantial realignment of parties—

the perennial hope of those philosophical souls who want more principle in their partisanship, but a rare feat in American politics.

Some political observers have thought that a party realignment was actually accomplished in 1928. They point to the fact that the "solid South" was more badly broken then than at any time since the withdrawal of federal troops from the southern states more than half a century ago. Virginia, North Carolina, Florida, and Texas, no one of which had been counted for a Republican presidential candidate since Reconstruction days, voted for Mr. Hoover, or rather against Mr. Smith, and only six states remained of the once solid South. On the other hand, Massachusetts and Rhode Island went Democratic, which neither of them had done before—except when the party was divided in 1912—since the foundation of the present Republican party. Besides Massachusetts and Rhode Island, Connecticut and New York, which since 1896 had been consistently Republican in national politics, returned a higher percentage of Democratic votes at the election of 1928 than the average in the country as a whole. The same was true in the Republican states of Wisconsin, North Dakota, and Utah. Temporary causes might explain the defection from the Republican party in the three western states, but the overturn in the four eastern states seemed clear evidence of a definitive shift of party allegiance among the city-dwellers of the North Atlantic seaboard.

Turning, however, from the presidential to the congressional elections, the evidence of a realignment of parties disappears. The Republican congressmen were distributed among the various sections of the country in 1928 much as in other years of extraordinary Republican success, and in 1930, when the Republicans held a bare majority of the seats, the Republican districts were substantially the same as on other occasions in recent years when the elections were close. The principal gains of the Democrats in the congressional elections of 1930 were in the sections of the country where the two major parties have long been most evenly matched, especially in the corn and winter wheat region of the Middle West. There was nothing in these congressional elections to suggest any permanent alteration in the distribution of party strength among the various sections of the country.

The conclusion is inescapable that the peculiarities of the 1928 election were the consequence chiefly of the peculiarities of the Democratic candidate for the presidency in that year. In sections of the country not yet accustomed to the idea of Catholics in high office, there

was much "knifing" of the head of the Democratic ticket. In other sections of the country, where all kinds of voters have learned by experience that good Catholics can also be good Americans, the Democratic candidate was judged more generally on his character as a man and his record as a politician. But the religious issue was complicated by the liquor issue, and no political statistician can tell where the effects of the one stopped and those of the other began. If the Democratic party should decide to nominate none but Catholics for the presidency hereafter, doubtless there would be a substantial realignment of parties in national politics. But if the majority of the party choose as a rule members of their own religious faith for their standard-bearer, as seems probable, there is no reason to suppose that the campaign of 1928 will leave any permanent mark upon the American party alignment.

More debatable are the possible consequences of conflict between the "wets" and the "drys" in the Democratic party. It might be supposed that if the repeal of the Eighteenth Amendment were made the paramount issue of 1932, a realignment of parties would be brought about which would give the Democrat a better prospect of success in national politics. A vigorous demand for the repeal of the Eighteenth Amendment would meet with a rapturous response, not only from the bulk of the urban Democracy in all sections of the country outside the South, but also from numerous Republicans, disgusted with the uncompromising dryness of the present administration. A united party of the "wets" would doubtless carry most of the great industrial states, and perhaps, as the Association Against the Prohibition Amendment claims, enough of the others in the North and West to give a majority of the electoral college to the candidate of such a party. Under the new apportionment, based upon the census of 1930, 21 of the 27 seats in Congress which have been transferred from the slow-growing to the rapidly-growing states have been assigned to states in which the majority of the people live in cities, and in which the "wet" sentiment seems to be dominant. At least this number of seats has been lost by "dry" rural states. The 21 states which are classified as urban under the latest census possess a clear majority of the votes in the electoral college. Not all of them offer an equally promising field for the operations of a "wet" party, but the managers of such a party might hope to pick up enough electoral votes in other states to make up for losses in these. Even though such hopes proved

excessive, the "wet" party, if it were the Democratic party, might expect to retain enough of the solid South to give a fair prospect of success at presidential elections. The fate of southern Democratic senators, like Heflin of Alabama and Simmons of North Carolina, who bolted their ticket in 1928 and paid for their rashness with their political lives, shows how strong are the bonds of party regularity in that section of the country. It is doubtless such calculations as these that are in the minds of Mr. Raskob and his associates in the councils of the Democratic party who appear most eager to force the liquor issue to the front in the next campaign.

But these calculations cannot convince veteran politicians that the existing party alignment can be broken by the liquor issue. The distribution of population in this country between urban and rural areas is such that while, on the basis of the most sanguine estimates, a "wet" party, particularly if it were the Democratic party, might hope to gain a majority in the electoral college, it would have much greater difficulty in gaining control of the Congress. A majority of the American people now live in areas classified by the census as urban, and under the new districting of the states, based on the 1930 apportionment, these areas will probably account for a majority of the congressmen; but the urban population is so distributed among the states that a clear majority of the states continue to be predominantly rural, and, at the present rate of growth of cities, will remain so for at least another decade. A "wet" party, based primarily upon the support of the urban states and sustained by the help of the lower South, or such parts thereof as might adhere to such a party, might succeed in electing "wet" presidents. But could it get its measures through the Congress? The prospect is not good enough to justify prudent politicians in staking their careers on the promise of "wet" legislation. Ardent "wets," dissatisfied with the prospects of their issue under the existing party alignment, may look with favor upon such a realignment of parties, but professional politicians whose business is at stake will prefer to stick to the political strategy which has been approved by time.

The existing major parties are founded at bottom upon durable economic interests which are powerful enough to dominate well-defined regions and, in combination with other similar regional interests, form two solidly entrenched leagues of factions capable of contesting national elections with some chance of success. The liquor issue does

not fit into the traditional strategy of national politics, and a redivision of the American electorate into "wets" and "drys" offers little prospect of a durable basis for future presidential campaigns. Professional politicians, to be sure, cannot prevent the voters from making the issue, when enough of the voters know what they want and are determined to have it. But they can prevent the issue from becoming the principal subject of contention between the major parties. They can take the "wet" side of the issue in "wet" regions and the "dry" side in "dry" regions. Senator Morrow's campaign for election as a Republican in New Jersey is the most striking illustration of a practice which may become more common if the voters' discontent with the official liquor policy of the Republican party continues to grow in the "wet" states. The refusal of Congress to give its attention to the Wickersham report revealed plainly enough the disposition of congressmen to evade responsibility for reopening the liquor question at Washington. By adopting the Eighteenth Amendment, they had taken the question out of "politics" as completely as they could, and they are evidently not going to let it back in again if they can prevent it. It is not inconceivable that the "wets" should succeed in converting one of the major parties into a uniquely "wet" party, but the failure of the prohibitionists to make the Prohibition party a political power does not augur well for the success of such an enterprise.

A more promising issue for politicians who wish to make the presidential campaign of 1932 something more than a mere continuance of the trench warfare of recent years between the two major parties is a national economic plan. The business depression compels attention to relief measures, and far-sighted politicians will look beyond the immediate emergency and seek for measures which will help to prevent the recurrence of such crises in the capitalistic world. The policy of the present administration makes it easy for the Democratic party to make this issue its own if it wishes. President Hoover has proclaimed his faith in the fundamental soundness of economic individualism. He seems committed to the view that the business cycle eventually will run its course, and that the less the politicians "interfere" with the operation of the "natural" laws of economics, the more quickly will prosperity return. Such views as these lead to a policy of *laissez-faire*, a policy in which the administration seems likely to be confirmed by the ill success which has attended such departures from it as the price-stabilizing speculations of the unfortunate Farm Board.

tries, difficult though it may be, appears to be the next step in the adaptation of the institutions of the age that is passing to the needs of the age that is to come. The difficulties can be overcome only by the creative leadership of statesmen of bold imagination and practical sagacity. Perhaps such leadership is too much to ask of the present Democratic party. If so, we may look forward to another presidential campaign next year characterized by the usual partisan trench warfare and ending in the usual result.

ARTHUR N. HOLCOMBE.

Harvard University.

Looking Toward 1932. It is an old axiom, replete with common sense, that there is no more uncertain field for prophecy than that of practical politics. This is especially true when any forecast must be made fourteen months ahead of time. All that the observer of contemporary American politics may do is to sum up, as far as possible, the existing state of affairs, and then make a series of *guesses* as to what may eventuate. This present article is written with these conditions in mind, and should be read in the same spirit.

The present political situation would appear to be as follows. Normally, there are at least five million more Republicans than Democrats in the country. This is in large part due to the secession from the Democratic party in 1896 of large numbers of young men, just entering upon adult life or experiencing their first taste of business and finance, who were hostile to the late William J. Bryan and his "free silver" theories. These young men later were added to in large number by the strong, dominant, and attractive personality of Theodore Roosevelt, who typified to them the American spirit. Also the great, underlying influence of economic expansion, the financial and business domination of much of our national life, and the frank acceptance of these conditions by the Republican leaders of the first decade of this century strengthened and accelerated this movement in favor of the "Grand Old Party." The young men of that time, now grown to middle age and national leadership in many walks of life, are the backbone of the financial support of the party today. And they have brought up their children to the same political allegiance.

Since the large majority of our people vote either one of the two old party tickets, no matter what the issues or who the candidates, this predominance of Republican numbers is the great advantage of

that party, and there is little prospect of Democratic success at a presidential election unless the Republicans are split, as in 1912, or there are exceptional circumstances, as in 1916. In this latter case, a comparatively few people in the average election district, but amounting to a great total in the states or the nation at large, may bolt their own party and support their former opponents. Also the "stay at home" votes may be largely increased, as in the New York gubernatorial campaign of 1930; or these same normally indifferent citizens may have their interest (economic or emotional) aroused to a point sufficient to take them to the polls on election day. This is what occurred in many localities in the campaign of 1928. There is an old and true saying among the practical politicians that "elections usually are won or lost by the stay-at-home vote."

To all appearances, the campaign of 1932 bids fair to be accompanied by the exceptional circumstances that may make Democratic success possible. The present economic depression is a misfortune of a major character to the Republican party. Both in 1924 and 1928, many of its leaders foolishly made the specific claim that their party was responsible for "good times" and general prosperity. The "average citizen" was attracted by this statement, and Republican success, already foreordained, was somewhat increased. But now a logical deduction has been made by these same average citizens, and the same party must shoulder the blame for a world-wide depression which probably was as inevitable as the prosperity that preceded it. The Democrats at present are well aware of their opportunity, and are endeavoring to take advantage of it. As a consequence, there is wide discussion of possible candidates, and many leaders of that party are taking a keen and natural interest in it.

At the time of present writing (September), Governor Franklin D. Roosevelt, of New York, is in the forefront for the Democratic nomination. With a fine record of public service in the New York state senate and as Assistant Secretary of the Navy during the Wilson administrations, of irreproachable private character, he also possesses a personality of extreme attractiveness. This includes a naturally friendly and sincere smile that well might be the envy of any practical politician anywhere. Added to this may be mentioned his election to the office of governor of New York in 1928, when that state was carried by the Republicans for Mr. Hoover, and his reelection by an enormous majority in 1930. Another advantage, and much to his

credit, is that Governor Roosevelt, in both the 1924 and 1928 Democratic national conventions, delivered one of the outstanding, if not the best, of the speeches to which the delegates were privileged to listen. And this privilege was enjoyed possibly by millions of interested listeners over the radio throughout the country. Undoubtedly these speeches, so far as the New York voters were concerned, were a great aid in his successful campaigns in that state.

Governor Roosevelt also has the aid of certain public-spirited and leading Democrats of wealth, who see the opportunity to repeat the experience of 1912, when these same men of prominence and influence were largely responsible for the nomination and election of Woodrow Wilson. Their support, quiet and often unobtrusive, is worthy of special attention.

But Governor Roosevelt has undoubted handicaps that may cost him the nomination, or (if nominated) the election. So far, he has steered an extremely skillful course in the current investigations of corruption in New York City. Any such corruption is bound to be laid at the door of Tammany Hall, which is, in very fact, the actual Democratic party in that city. Whether at present deserved or not, the name of Tammany stands as a by-word for all that is undesirable in American politics, so far as the people of the country are concerned. An open break with Tammany at this time undoubtedly would aid much in securing the nomination for Governor Roosevelt. But he must have Tammany support of the first order if he may hope to carry the state of New York in 1932. The fact is usually overlooked that Governor Roosevelt actually received many thousand less votes in 1930 than in 1928, and that his huge majority was caused by nearly one million upstate Republican voters who stayed at home and refused to vote on account of their hostility to the management of the campaign of his opponent, Mr. Tuttle. It is significant that, although they received much reduced majorities in some cases, the Republican congressmen then representing New York were all re-elected. In contrast to this, a strong Tammany support will be a veritable millstone around the neck of Governor Roosevelt throughout the country. Since the Civil War, the three most successful Democratic candidates, Samuel J. Tilden, Grover Cleveland, and Woodrow Wilson, have been either indifferent or hostile to Tammany Hall. This was one of their greatest political assets.

It is possible that his early prominence may be another handicap to Governor Roosevelt, though as yet no one of his opponents seems to

be collecting delegates to the national convention. Again to quote the politicians, "you cannot beat somebody with nobody"—as the opponents of Governor Smith found to their cost in 1928. So at present, Governor Roosevelt appears far in the lead, with a fair chance of securing the nomination. If ex-Governor H. F. Byrd, of Virginia, should be his running-mate on the ticket, there would be a very effective bid for the renewed allegiance of those southern Democrats who deserted their party in 1928.

It is a matter of greater importance to remember that Alfred E. Smith is still at least titular leader of the Democratic party. He has hosts of loyal and devoted followers, and it is not beyond the bounds of possibility that he might secure the nomination if he should desire it. At least he has the power of veto, and no Democratic candidate would have much chance of receiving the nomination without the support, or at least the tacit approval, of the popular and effective ex-governor of New York.

Newton D. Baker is well worth careful watching, for he has great availability on account of his personal ability, his residence in a so-called pivotal state, and his popularity with the Wilson wing of the party. His greatest handicap would be his sincere and effective advocacy of a very unpopular institution, so far at least as contemporary American politics goes—and that is the League of Nations. This, of course, is entirely aside from any merits of the issue. Mr. Owen D. Young would be of outstanding importance were it not that his relations with certain lines of "big business," which would be a decided asset in many parts of this widespread nation, might arouse hostility among the more radical voters of the West. Governor Albert C. Ritchie, of Maryland, is a possibility, but his support so far is too local to be effective. Senator Joseph T. Robinson, of Arkansas, probably has eliminated himself in spite of his many and marked advantages, by his unfortunate part in the controversy of January and February, 1931, concerning the appropriation of funds for the relief of the victims of the drought.

So far, attention has been devoted exclusively to the Democratic side of the question because it goes without saying that President Hoover will be renominated by the Republicans. It is hardly an exaggeration to state that only he himself can prevent it, and he has not given the least indication of any such intention. Any president can renominate himself, if he was chosen directly to the office and did

not attain it by virtue of succession as vice-president. But President Hoover has great and determining elements of strength, both personal and political, which too often are overlooked by his opponents in his own and in the Democratic party. During the war, his name became a household word owing to his relief and food conservation work both here and abroad. His strength with the "plain people," and also with the women's vote, is still but little impaired. Added to this are his real achievements of great moment. Among them is the able handling of drought relief and the prevention of a well-meant but dangerous attempt to bring the Red Cross into politics by using it as a government agency for relief and for the expenditure of public funds. His supporters make the claim of honest and efficient administration of the federal government, and of a steady hand at the helm in a time of great national difficulty. His part in the calling of the London Conference and in its real achievements was outstanding, and his more recent leadership in mitigating the financial crisis in Germany and other European countries by the moratorium on debt and reparation payments has vastly increased his prestige. This is especially apt to appeal to the German and other racial voters in the next campaign. Should his present plans for unemployment relief during the winter of 1931-32 prove successful, they would go far toward reconstituting any diminished strength with the people.

There is an indication of a fuller public appreciation of the burdens that have fallen upon President Hoover in these recent trying years. Very significant of this is the editorial statement in the *New York Times* of September 2, 1931, that the "necessary limitations of the functions and ability of any American president ought to be kept in mind by those who keep on clamoring over what they call Mr. Hoover's do-nothing policy. He is, in fact, doing all he can—and angels could do no more. Among the victims of our prevailing misfortunes, President Hoover must be reckoned as most to be pitied. . . . But inevitable . . . ought to be at least an occasional manifestation of kindly and sympathetic feeling by the American people for a president taxed almost beyond his strength."

President Hoover undoubtedly will have much difficulty in co-operating with the new (or Seventy-second) Congress that meets in December. While very irritating and wearing upon him, any struggle with that body will be apt to add to his popularity and political strength. Unfortunately, our national legislature is exceedingly un-

popular, and the voters will not be indifferent to any struggle waged or victory gained by the President. Such events also would serve to dramatize his work and his administration of national affairs.

There are rumors that the radical, or "Progressive," elements may inaugurate a campaign to nominate one of their number, as Senator William E. Borah, of Idaho, Governor Gifford Pinchot, of Pennsylvania, or Senator Robert M. LaFollette, of Wisconsin. They hardly can anticipate success in this attempt, but they can use the threat of such a movement, with all its disruptive effects on party unity, as a "club" to force into the platform many of their ideas concerning public utilities, agriculture, and finance. This would be good political strategy, and the "wets" or "drys" might try the same game—and in either party.

It seems probable that the Socialist party will again nominate Mr. Norman Thomas for president. It would appear that the first move in the 1932 campaign was made about the first of September, 1931; and a very clever one it was. Mr. Thomas was then arrested in Paterson, New Jersey, for picketing a silk mill in which there was no strike. This is well-calculated to bring him before the public, and to appeal to many people inclined to vote the Socialist party ticket. The size of this vote will depend somewhat upon the more or less radical type of candidates and platform of the Democratic party.

An even greater degree of uncertainty surrounds the question of platforms and issues dividing the two parties. Since the necessary problem of the party leader is to secure coöperation, and not to alienate the voters, the gentlemen who hold this position in the respective parties will be very slow to commit themselves. The "prohibition" report of the Wickersham Commission was a very faithful replica of the uncertain state of feeling among the American people. Literally, they have not made up their minds. For this reason, neither party will make any specific pronouncement upon prohibition if it can possibly help doing so. Should any statement prove necessary, the Republican party will tend more to the "dry," and the Democratic party to the "wet," side of the question, and with all the disruptive consequences as a result. Both parties will strive to place stress on economic questions. A serviceable and constructive plan for the stabilization of business and the mitigation or prevention of future unemployment would be a great asset to either party. The Democratic party, especially if led by Governor Roosevelt, will *tend* toward more

"radical" proposals, while the Republicans will be more conservative. The word "tend" is used advisedly, for neither party will go to an extreme. This may aid in increasing the Socialist vote.

A possible element of Republican advantage may come from the new congressional apportionment and change in the electoral college. Of the 27 changes, additional electoral votes will go to normal Republican states in about twice the proportion that the Democratic states will gain. The accompanying losses are more evenly divided.

In conclusion, the statement should be repeated that all this discussion with regard to the outcome of the elections of 1932 is little more than guesswork. The economic condition of the country will be the determining influence to a greater or less degree. The first authentic political indications should come from the various by-elections to Congress and the state elections during November, 1931. Following these, political prophecy will be somewhat more easy. But it is the very uncertainty of the present situation that offers its great element of fascinating interest.

WILLIAM STARR MYERS.

Princeton University.

AMERICAN GOVERNMENT AND POLITICS

Third Session of the Seventy-First Congress, December 1, 1930, to March 4, 1931.¹ The almost shamed hush that fell in the Senate at noon on March 4 was more fitting than the jubilation in the House. Certainly there was no ground for congratulations in any corner of the Capitol, and least of all among the group in the President's room.

Membership and Organization. When the session began, the Republicans in the House numbered 266, the Democrats 165, with one Farmer Labor member and three vacancies. The two party shifts involved in the seating of thirteen new members reflected Democratic victories in by-elections in the 6th Wisconsin and 24th Illinois districts. In the Senate, inter-sessional gains on the minority side were more pronounced; there were 42 Democrats instead of 39, leaving 53 Republicans and 1 Farmer Labor member.

The uncertainty that attends the regulation of campaign expenditures by exclusion was illustrated in the seating of James J. Davis, lately Secretary of Labor, as junior senator from Pennsylvania. Mr. Davis stood aside at the opening of the session, in order to permit the chairman of the special committee investigating senatorial campaign expenditures, Gerald Nye, to offer a resolution by which his right to a seat was referred to the select committee. The resolution was rejected on December 2 by a vote of 27 (9 Republicans, 17 Democrats, 1 Farmer Labor) to 58 (39 Republicans, 19 Democrats).² The committee on

¹ For notes on the first and second sessions of the 71st Congress, see this REVIEW, Vol. 24, pp. 38, 913. For notes on the 70th Congress, see Vol. 22, p. 650, and Vol. 23, p. 364; and on the 69th Congress, Vol. 20, p. 604, and Vol. 21, p. 297. For earlier notes, prepared by Lindsay Rogers, see Vol. 13, p. 251; 14, pp. 74, 659; 15, p. 366; 16, p. 41; 18, p. 79; 19, p. 761.

² In a subsequent report (S.Rept. 1870, filed on March 3), the special committee investigating campaign expenditures said: "Unless the expenditure of more than \$600,000 in the primary in behalf of the ticket headed by Senator Davis can be construed as in itself constituting corruption, the evidence . . . does not disclose any corruption for which he may be held personally responsible." On February 25, Senator Davis appeared voluntarily before the subcommittee of the committee on judiciary which had been investigating lobbying, in order to deny that he ever lobbied for or against a tariff measure. On February 28, the Senate authorized (S.Res. 475) the continuance of the subcommittee and made a small additional appropriation to enable it to investigate the allegation that a member of the Senate received \$100,000 or more in connection with the item on sugar in the tariff of 1930.

privileges and elections, acting through subcommittees, took up the dusty task of recounts in Alabama and North Carolina.³

The uncertainties of party control in the next Congress cast a sharp but wavering shadow over the proceedings of the session. Nicholas Longworth, speaker since 1925, doubtless had party disadvantage in mind rather than a premonition of his own death in April when he said in farewell: "Perhaps this is the last time I will address you from this rostrum (laughter and applause). I do not mean to say that I regard it as a probability, but I must admit it as a possibility." Immediately after the elections in 1930, the clerk's unofficial roll forecast that in the 72nd Congress the lower house would comprise 217 Republicans, 216 Democrats, and one Farmer Labor representative, and that the Senate would consist of 48 Republicans, 47 Democrats, and one Farmer Labor member. Post-cavass mortality, always heavy but seldom so critical, continued to disturb the fluctuating balance. By mid-summer, the count stood 214 Republicans, 213 Democrats, and one Farmer Labor member, with seven vacancies, including five in districts previously held by Republicans. The situation in the new Congress could hardly be expected to give the President stomach for a special session.

Reapportionment, so tardily won in the act of June 8, 1929, was not allowed to take effect at the close of the Congress without a struggle. Its opponents were able to force the holding of hearings, but in the end the committee on census tabled all proposals to increase the size of the House. The new apportionment, automatically based on figures certified by the President on December 4, will be used first in 1932. In the meantime, there are signs that the appeal to ethnic prejudice may again be invoked by the countryside against the city. On February 19, the committee on judiciary (against the dissenting protest of four members who represented districts in large cities) favorably reported a proposed constitutional amendment as follows: "Aliens shall be excluded from the count of the whole number of persons in each state in apportioning representatives among the several states according to their respective numbers" (H J. Res. 356).

Problems of organization in a waning Congress are anticipatory. A

³ The contest of Thomas Heflin, former senator, against William Bankhead concerned the primary election of August 12, 1930. In addition to those involving Alabama and North Carolina, notice of a contest against Senator Schall of Minnesota, Republican, was filed on March 3 by his defeated opponent.

caucus of the Republican members of the House in the last week of the session renominated Nicholas Longworth for the speakership, reelected John Q. Tilson of Connecticut as floor leader, and in the usual way authorized the selection of the committee on committees and the congressional campaign committee. Mr. Longworth's death created a new problem in a situation full of uncertainty and intrigue. The floor leader and the chairman of the rules committee, Bertrand Snell of New York, were understood to be the chief claimants to the speaker's chair if the Republicans were able to organize the House. No Democratic caucus was held, but it seemed certain that John N. Garner, Democratic floor leader, would be his party's candidate. Meanwhile, with the margins of control so narrow, rumors were rife regarding attempts to arrange bipartisan concerts of power.

Procedure. It seemed probable, no matter how the contingencies in the disputed control were resolved, that the dissident elements would be in a position in the new Congress to bargain for changes in the House rules.⁴ Intimations that concessions would be made were heard unofficially on the Republican side about the time invitations were issued to the preliminary organization caucus. This fact stimulated discussion of the rules during the short session. Especially interesting was the colloquy provoked on January 16, 20, and 31 and February 3 by remarks of Representative Crisp of Georgia, erstwhile parliamentarian of the House and son of a former Democratic speaker. He stressed a proposal to amend the discharge rule so that a petition of 100 names (instead of 218, as has been required since 1925) would be sufficient to put it in operation.⁵

Eight special rules for the consideration of measures (one of which involved seven bills) were adopted in the short session.⁶ Three others

⁴ On July 12, Representative LaGuardia announced that he had circularized a group of "Progressives" regarding the desiderata of rules reform. He emphasized the need of a provision restricting each state to one member on the committee on ways and means. Previously, in a statement which appeared in the *United States Daily* of June 1, Representative Robert Luce, well-known student of legislative organization, complained of congressional maladjustment from the standpoint of the effect of waste of time in defeating desirable legislation.

⁵ The rule (XXVII, subd. 4) as amended on December 7, 1925, has never been successfully invoked. During the short session of the 71st Congress, it was said that a petition in behalf of H.R. 14567, having to do with cash advances on veterans' adjusted compensation certificates (an object realized in another way in other thirds. Previously the House rejected in committee of the whole the proposal that legislation) received at least 118 signatures.

⁶ Speaking in defense of the rules committee, Bertrand Snell of New York, its

were reported from the committee on rules, but were not used, the legislation in question passing the House without their aid. Suspension of the rules, subject to the discretion of the speaker, proved as handy as ever.

Grumbling was again heard in the Senate regarding the growing obduracy of the House in conference. Senator Moses, though caustic, is regular, but he went to the length of saying on December 20: "Every time that I sign a conference report in the stated language of the formula, namely, that a 'full and free' conference has been held, I know that I am subscribing to a perjury, because the situation is such that we are immediately confronted in a conference by an adamant attitude on the part of the conferees appointed by the House." Two deadlocks in the short session were notable. That involving Muscle Shoals was broken under circumstances noted in a later paragraph.⁷ The proposal to amend the Constitution in regard to congressional sessions (the "lame duck amendment") came to a complete standstill. A joint resolution on this subject (S.J.Res. 3), having passed the Senate for the fifth time in the second session,⁸ was held on the Speaker's desk for nearly a year. On February 24, with the demise of Congress at hand, a similar House resolution was allowed to go to a vote, aided by a special rule. Speaker Longworth took the floor to offer an amendment providing that in even-numbered years

chairman, said on January 31: "There has never been a time since the gentleman from New York has been chairman of that committee when there has been an important controversial piece of legislation before it that he has not gone personally to the Republican whip and asked him to canvass the House on the question in hand for the guidance of our committee and also had a great many other individual members from different sections of the United States canvassing the sentiment of members of their parts of the country, and, as far as possible, we have tried in our official capacity to fairly represent and reflect that sentiment, and the best proof I can offer you for the truth of that statement is, as far as I can now remember, that there has never been a single recommendation of that committee since the gentleman from New York has been chairman turned down by the House of Representatives." At the same time, Mr. Snell avowed his faith as follows: "If I understand the function of the rules committee of the House, it is to act in harmony with the majority sentiment of the majority of the House of Representatives. It is to act in coordination and harmony with the steering committee of the House. It is the duty of the rules committee, as I understand it, to act, as far as possible, for the protection of the administration and the administration program of legislation."

⁷ See p. 946 below.

⁸ The successive dates of its acceptance by the Senate were: February 13, 1923;

the sessions should end on May 4. Otherwise, he said, "great and serious danger might follow a perpetual two years' session of Congress." He added: "I will do anything I can to help the passage of this resolution provided this amendment is adopted." The Speaker had his way by a vote of 230 (175 Republicans, 55 Democrats) to 148 (60 Republicans, 87 Democrats, 1 Farmer Labor). He was then willing (in order to expedite matters) to recognize a request for unanimous consent to substitute the Senate resolution, amended of course by inserting the language agreed upon. Thus altered, the measure passed by 290 to 93. In conference, the House leaders indicated a willingness to extend the time to June 1; beyond that they would not go. The Senate conferees wisely insisted that any time limit would defeat one of the major purposes of the proposal.⁹

The Politics of Misery. The fear of the innovative hand of legislation which in general terms was expressed in the opposition of the leaders to the abolition of alternating short sessions was painfully concrete when they measured the risks of a special session after March 4. What strategy there was centered in the sorry determination to avoid one. The President revealed his anxiety when, in thanking the Democratic leaders for the sense of sober responsibility voiced in the statement issued after notable gains had been won in the fall elections, he hoped that it might be taken as a pledge not to filibuster against the appropriation bills. On November 12, he telegraphed to the minority leader in the Senate for reassurance, and on the morrow made known his pleasure that "fear and apprehension" had been blown away. Something like a truce does seem to have been struck with the Democratic leader in the Senate in a conversation on November 30. The minority, it must be said, seemed more hopeful than bold. Events seemed to be going their way; they had no wish to incur pre-

March 14, 1924; February 15, 1926; January 4, 1928; and June 17, 1929. On May 18, 1928, it was voted on in the House, receiving 209 (118 Democrats, 89 Republicans, 2 Farmer Labor) to 157 (55 Democrats, 102 Republicans), less than two-thirds. Previously, the House rejected in committee of the whole the proposal that in even-numbered years sessions should end on May 4.

⁹ In his official review of the session, made public on March 13, John Q. Tilson, the majority leader, said: "By the 'lame duck' proposal, instigated and kept alive by an inane but catchy phrase, it is seriously proposed to amend the fundamental law of the land in order to remedy a situation brought about by the archaic rules of the Senate."

mature responsibility. The nearest approach to the pronouncement of an ultimatum was in a conference of minority senators on January 30, when six items of relief were indicated as the price of avoiding a special session. It was significant that these related almost wholly to the emergency created by drought. Not all of the proposals were realized in legislation, but no organized obstruction was attempted.¹⁰ The Progressive Republicans openly favored a special session.¹¹ They formulated no threats; they presented no formal demand. Their program, so far as they revealed one, hinged on their desire for action on the pending measures relating to Muscle Shoals, "lame duck" sessions, unemployment exchanges and the planning of public works, and injunctions. Of these, all but the last-mentioned were considered during the session, although the proposed constitutional amendment did not get beyond conference, and two of the others were vetoed at the close of the session. The filibuster by Senator Thomas, of Oklahoma, which filled the closing hours, seems to have been personally planned, and, although the pair of soiled overalls that he exhibited to the Senate was doubtless intended to be a symbol of universal need, the burden of his remarks was a plea in behalf of the independent oil producers'

¹⁰ The chief item was the amendment to the Interior appropriation bill carrying \$25,000,000 for general relief purposes. The conference statement said: "There will be no objection to the modification of the amendment in conference so as to specify another agency than the Red Cross to distribute the fund." In the final outcome, "general relief" was contracted to drought relief through loans, essentially. Another item on the list related to the Capper amendment to the Army appropriation bill, making food held by the Federal Farm Board available for relief. The conference statement announced that "the final passage of this amendment will be firmly insisted upon." This demand was not met. Senator Capper's proposal was begun as S.J.Res.210; as passed by the Senate on January 26, it involved authority to dispose of 20,000,000 bushels of wheat "to provide food for the distressed people in the various parts of the United States." This was not even reported in the House. On January 29, the proposal was attached as an amendment to the War Department appropriation bill (H.R.15593) by a vote of 46 to 16.

¹¹ Senator Borah, for example, said in the Senate on February 2: "I am perfectly willing, if a majority of the Senate is willing to do the same thing, to say that not another appropriation bill shall pass this body until the hungry are fed, until the sick are taken care of, until the government of the United States has met its obligations to its citizens." Senator LaFollette (having joined with Senator David Walsh of Massachusetts in questioning mayors of all places over 5,000 regarding the extent of unemployment) made a number of notable analyses of the situation; for example, on December 20 and January 3. No one can say that congressional debate during the session was lacking in concrete realization of problems.

request for tariff protection.¹² Later, as the dull year dragged its course there were more emphatic demands that Congress should be called.¹³ Senator LaFollette was especially critical of the President's disclaimer on May 22 of intention to call a special session. Again, on August 18, the White House deemed it advisable to dampen hopes by a fresh denial.

Not all of the pressure for a special session concerned depression and drought at home, or emanated from those who were skeptical of the recuperative power of individualism. The question of the World Court involved an element of risk. It was necessary that the Senate should receive and act upon the protocol of accession of the United States and the protocol of revision which had already been ratified by a majority of the nations that are members of the court. In a special message to the Senate on December 10, the President said: "I trust the protocols may have consideration as soon as possible after the emergency relief and appropriation legislation has been disposed of." Nevertheless, no exigent and compelling voice rebuked the committee on foreign affairs when on December 17 it adopted Senator Reed's motion to postpone reporting the matter until the following December. "I offered the motion on my own responsibility," said Senator Reed. "I did it to prevent a special session in the spring." Nine Republicans and one Farmer Labor member voted for delay; two Republicans (Borah and Gillett) and seven Democrats opposed the motion. In July,

¹² Certain questions put by Senator Thomas at the opening of the daily session on March 4 have interest for the student as well as for all who speak in public. Mr. Thomas of Oklahoma. "The first parliamentary inquiry: Is there any Senate rule that provides just how fast a member addressing the United States Senate must speak his words?" The Vice President. "That is a matter for the Senator to determine for himself." Mr. Thomas of Oklahoma. "The second parliamentary inquiry: I have before me numerous notes. Owing to the fact that I was detained on the floor night before last until 3 o'clock in the morning, and detained upon the floor last night until after 1 o'clock, I have not had time to arrange my notes properly, and it may be that during the discussion I may waste a few seconds of time in looking for the data I desire to use. Because of that fact I do not wish to be considered as yielding the floor. . . ." Mr. Bingham. "Under the rules of the Senate, how long may a Senator stand at his desk arranging his notes without talking?" The Vice President. "That would be a question for the chair to determine when the question came up."

¹³ A source of agitation for a special session was the announcement of the Department of Agriculture on June 16 that it was not allowed by law to use drought relief funds appropriated in the preceding session to remedy distress due to drought in the new season.

the plan of a moratorium in connection with inter-governmental debts stimulated talk of the desirability of calling the new Congress together in advance of the regular date. Speaking on July 6, the President said: "I am glad to announce that the American proposal for one year's postponement of all inter-governmental debts and reparations has now been accepted in principle by all of the important creditor governments." He added: "The American part of the plan is, of course, subject to approval by Congress, but I have received the individual assurances of support from a very large majority of the members of both Senate and House, irrespective of political affiliation." Despite the shortness of time available after December 7, and in the face of possible delay in the organization of the House, the President did not admit that there was reason for an earlier opening of Congress.

The widespread drought in the summer of 1930 raised an issue concerning which the agrarian element in the Democratic party could feel strongly. An early collision on this point between the Senate and the House, acting as the administration's ally, nearly put an end to talk of coöperation. The Senate took the initiative. On December 9, without a record vote, it passed a joint resolution (S.J.Res. 211) to authorize the appropriation of \$60,000,000 for loans in connection with preparations for the 1931 crop in regions affected by drought or storm. The administration thought that \$25,000,000 would be enough; it frowned also on the provision permitting aid in the form of food. The leaders in the House agreed to reduce the amount to \$30,000,000. In order to block amendments from the floor, the resolution was taken up on December 15 under a motion to suspend the rules. This failed, however; the vote was 205 (204 Republicans, 1 Democrat) to 159 (16 Republicans, 142 Democrats, 1 Farmer Labor), being less than the two-thirds that the procedure required. A slight emendation was inserted, in the shape of a reference to "such other purposes of crop production as may be prescribed by the Secretary of Agriculture." On December 18, the revised proposal was accepted in committee of the whole by 225 (219 Republicans, 6 Democrats) to 159 (16 Republicans, 142 Democrats, 1 Farmer Labor), and promptly passed the House by the formal vote of 359 to 6 (4 Republicans, 2 Democrats). The disagreement in conference was sharp but quickly compromised. The total authorization was increased to \$45,000,000. It was clear that House managers would not accept language that re-

ferred directly to the distribution of food for human consumption. The Senate was told that relief might be broadened as a matter of administrative discretion in view of the fact that that resolution mentioned "such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture." Despite some tart complaints regarding the face-saving indirection and deliberate obscurity of the compromise, it was adopted in both houses on December 19 and became law on the following day.

This did not end the matter. It was still necessary to make the appropriation thus authorized. A joint resolution (H.J.Res. 447) which carried \$45,000,000 passed the House on January 5. On the same day the Senate amended it on Senator Caraway's motion, adding \$15,000,000 "for the purchase of food under such terms as may be prescribed by the Secretary of Agriculture." The House guardians handled the situation circumspectly. For a time the measure rested safely on the Speaker's desk. On January 13, a special rule was offered which provided that it should be "taken from the Speaker's table to the end that all Senate amendments be, and the same are, disagreed to and a conference is requested with the Senate." The crucial test of strength was on the previous question to the rule, which carried 215 to 143; the rule itself was adopted 352 to 4. Representative LaGuardia's motion to advise that the conferees concur in the Senate amendment and also seek the removal of "all limitations as to classes, occupations, or residence of persons" was blocked on grounds of irrelevancy by a point of order sustained by the Speaker. The Senate gave way on January 14.¹⁴ Its interest had already shifted to the more practicable expedient of appropriating for relief through an amendment to the Interior Department supply bill.

The new phase of the controversy involved a significant question, for it raised the issue of public *versus* private sources of relief; and of taxation *versus* voluntary charity. Senator Robinson, the minority leader, moved an amendment to the Interior Department appropria-

¹⁴ On January 15, the Senate adopted a resolution (S.Res. 401) by which the Secretary of Agriculture was informed regarding the "intent and purpose" of the Senate when it "voted for the drought relief measure." He was told that relief should be given to stricken families, even in counties "where the distress caused by the drought is not general." Less perspicuous, perhaps, was the advice "that it is the sense of the Senate that the relief here provided should be granted wherever the conditions and facts justify it, and the Secretary of Agriculture is hereby requested to see that it is done."

tion bill (H.R. 14675) appropriating \$25,000,000 "to be immediately available and to be expended by the American Red Cross for the purpose of supplying food, medicine, medical aid, and other essentials to afford adequate human relief in the present national emergency to persons otherwise unable to procure the same." This was first adopted without a record vote, but was reconsidered on January 19, when it was repassed by 56 (20 Republicans, 35 Democrats, 1 Farmer Labor) to 27 (all Republicans). Hearings were held before the House committee on appropriations. The central committee of the American Red Cross announced that it could not accept the administration of the funds. The critical vote in the House itself was on January 30. Having disagreed with the Senate amendment by 224 to 90, the House rejected the substitute proposal of the ranking minority member of the appropriations committee that the President might utilize other agencies if the Red Cross did not care to act. This was defeated by a vote of 149 (127 Democrats, 21 Republicans, 1 Farmer Labor) to 212 (207 Republicans, 5 Democrats).

On the same day, a minority conference in the Senate served a virtual ultimatum. In his formal statement regarding the conference, the Democratic leader said: "Unless this amendment be agreed to or a satisfactory modification of it in conference, it is expected that the Interior appropriation bill will fail of passage, as likewise any resolution that may be offered making available sums equivalent to those appropriated for the current fiscal year. . . ." The President interjected a lengthy public statement on February 3, in which, as he put it, he dealt with fundamentals: "It is a question as to whether the American people on the one hand will maintain the spirit of charity and mutual self-help through voluntary giving and the responsibility of local government as distinguished on the other hand from appropriations out of the Federal Treasury for such purposes." Again a compromise was arranged, taking the form of the appropriation of \$20,000,000 to be expended by the Department of Agriculture in accordance generally with the original drought relief resolution, now somewhat liberalized, so that the new funds could be used "for crop production and for further agricultural rehabilitation."¹⁵ Senator LaFollette said

¹⁵ The student of the working relations of the branches of government will profit by pausing to note a clumsy but not untypical incident. While the conference report was before the Senate, questions were raised regarding the interpretation that the Secretary of Agriculture would put on it and the spirit with which he

of this: "Upon analysis, the proposed amendment is not a compromise. It is an unconditional surrender." Retreat it clearly was from the standpoint of the fact that the new provision, unlike the original amendment, was confined to hang-over conditions consequent on drought and could not embrace urban unemployment. Senator Robinson revealed his own natural preoccupation in saying: "If anything is to be done, it ought to be done quickly, because if we wait until an extra session of Congress to enact measures of relief for the drought-stricken region they will be futile in the main, because the time will have passed when they can be of service."¹⁶ Thus did he answer the complaints of a few associates like Glass and Wheeler that he had marched them down the hill so recently ascended.¹⁷ The will to force the issue further was lacking. On February 14, the Senate agreed to the conference report by a vote of 67 to 15 (8 Republicans, 6 Democrats, 1 Farmer Labor).

Friction between the White House and Congress likewise marked certain phases of the program for buffer employment through augmented public construction. The President, in his regular message on December 2, said: "I have canvassed the departments of the government as to the maximum amount that can properly be added to our present expenditure to accelerate all construction during the next six

would administer it. The query was put to him in a resolution (S.J.Res. 440) which pursued him to another city where he was making a speech. His telegraphed reply on February 12 was marked by a balanced obscurity which reminded Senator Norris of the Wickersham report. A somewhat different use of a resolution occurred on February 27 (S.Res. 479), when the Secretary was "requested to inform the Senate immediately: First, why the fund of \$20,000,000 . . . has not been made available . . . and second, when he proposes to act in this matter."

¹⁶ There were persistent rumors, even open charges, that the Arkansas senators, spearheads in the drive for emergency relief, were willing to compromise in the end, even to the length of overlooking the aspect of general as distinguished from drought relief, after they had been seen by Harvey L. Couch of Little Rock, banker, director of utilities, leading citizen, and Red Cross relief chairman for Arkansas.

¹⁷ It is interesting, on the other side, to recall the characteristically neo-Jeffersonian comment in an editorial in the late *New York World* of February 3, 1931: "The Democratic party is playing with dynamite. In the last week its leaders in Congress have placed it in a position where it can properly be charged with an irresponsible willingness to raid the public treasury. If the party does not extricate itself promptly from this position, if in fighting for these measures it forces an extra session and identifies itself with inflation and subsidy, it will have achieved the miracle of reestablishing the morale of the Republican party."

months, and I feel warranted in asking the Congress for an appropriation of from \$100,000,000 to \$150,000,000 to provide such further employment in this emergency. . . . I recommend that this appropriation be made distributable to the different departments upon recommendation of a committee of the cabinet and approval by the President." Two days later he transmitted an estimate calling for the larger sum. These recommendations were only partially met in the bill (H.R. 14804) passed by the House on December 9, for the amount was set at \$110,000,000¹⁸ and was assigned to major purposes by the measure itself, subject to reassignment by the President. The Senate raised the total to \$118,000,000 and on Senator Robinson's motion eliminated the provision for discretionary reassignment. This step did not foster cordiality at a time when the President was talking about "playing politics at the expense of human misery" and almost simultaneously provoking critics from another side by declaring (December 9) that "prosperity cannot be restored by raids upon the public treasury." On the immediate point at issue, the Senate soon gave way, and on December 18, by the close vote of 42 (31 Republicans, 8 Democrats) to 39 (11 Republicans, 25 Democrats, 1 Farmer Labor), dropped the amendment that denied the President power to reallocate the emergency fund.¹⁹ The final act, approved on December 20, carried \$116,000,000 "for the purpose of providing emergency construction on certain public works during the remainder of the fiscal year 1931 with a view to increasing employment." Stated amounts were given to roads, waterways, and flood control, subject to the stipulation that "the sums herein appropriated shall be available interchangeably for expenditure on the objects named in this act upon order of the President."

The process of untying statutory restrictions on construction was carried a few steps further. Buildings notably were involved. An act approved on February 6 (H.R. 14040, Public No. 608) facilitated the

¹⁸ The \$40,000,000 reduction was thus explained in the report from the committee on appropriations: "In separating this sum of \$110,000,000 from the total request of \$150,000,000, the committee has segregated those items which have the broadest national scope, which have an unquestioned public need to be served, and which will give the most and immediate employment when the appropriations are made and placed at the disposal of the departments charged with the responsibility of expending them."

¹⁹ The Senate surrendered also in dropping an amendment sponsored by Senator Couzens requiring the employment of local labor, if available, and the observance of local wage standards.

inauguration of projects in a number of respects, and a measure signed on February 16 (H.R. 16297, Public No. 671) permitted the Secretary of the Treasury, in entering into contracts for the construction of buildings, to exceed by not more than five per cent the amounts available under the estimated limit of cost fixed by Congress. In addition, the latter extended the authorization of appropriations in behalf of the public building program, outside the District of Columbia, \$100,000,000. It was said by the chairman of the House committee that the public building program will be completed in 1935, three years earlier than was originally contemplated.

Labor has made the restriction of immigration a popular as well as a conveniently mathematical remedy for labor's ills. So-called patriotic societies have been quick to take advantage of the attitude thus engendered. In his regular message, the President called attention to the fact that administrative policies in the application of the phrase "likely to become a public charge" had already resulted in curtailing drastically the number of visas issued. His references to legislative policy were perhaps purposely vague: "There is need for revision of our immigration laws upon a more limited and selective basis, flexible to the needs of the country. . . . The whole subject requires exhaustive reconsideration." Congress confined its attention to drastic proposals of an ostensibly emergency character. Amid a confusion of counsel, action took the form of a ninety per cent reduction for a period of two years. This was provided in a joint resolution adopted in the House on March 1 under suspension of the rules, the vote being 295 to 83. Senator Reed, with characteristic force, attempted on March 3 to secure favorable action in the Senate. His motion to discharge the committee from consideration of the joint resolution was accepted by 44 to 13, but, standing 22 to 34, the Senate refused to take it up, under suspension of the rules, at a time when it would have displaced the copyright bill. Deportation also must be reckoned with as a practical aid in times of unemployment. The President urged, in general terms, the "strengthening of our deportation laws," and recommended increased appropriations for their enforcement. Bills on the subject were favorably reported in the House, but did not move farther. Appropriations were augmented, however, and the new Secretary of Labor was thus aided in pursuing his favorite contribution to the solution of the perplexities of the business cycle.

Advance planning of public works was at last provided for by law.

The victory here, so far as there was an issue, lay with the Senate. The bill (S. 3059) sponsored by Senator Wagner passed the Senate as early as April 28, 1930. It was so amended in the House, where it passed on July 1, that it was unsatisfactory to its authors. Speaking in the Senate on January 21, when he presented a bill of a different number (S. 5776), Senator Wagner explained the substitution: "Upon my motion, the Senate disagreed to the House amendments, because the amendments really took the heart out of the bill. Thereafter a conference committee was appointed and met and restored practically all of the provisions which had been eliminated by the House; but some additional amendments were proposed by the administration, to which I agreed. The conference committee felt, however, that it was not within their power to report the bill with these additional amendments. For that reason, I introduced this bill in its amended form as an original proposal." Having passed the House on February 2, with amendments to which the Senate did not object, the measure was signed on February 10. "The act," said the President, "gives wider authority and specific authorization for the methods which have been pursued by the administration during the past fourteen months in respect to the planning and acceleration of Federal construction work for purposes of relief to unemployment in times of depression."²⁰ This welcome at the White House door was in contrast to the veto that was waiting for the bill to institute cooperative employment exchanges.²¹

Rugged Vetoes. The House addressed itself tardily to the bill (S. 3060) for the development of a cooperative, federally aided system of employment exchanges, which the Senate had passed on May 12, 1930. When the House was allowed to act on February 23, however, it showed little hesitation in turning down the substitute bill instigated by the Secretary of Labor. The substitute took the core out of the

²⁰ The President's statement, while commending Senator Wagner and Representative Graham for working out "an admirable measure in which they have adopted the constructive suggestions of the various government departments," properly speaks of the work done in developing the idea by Otto Mallery of Harrisburg, and also Edward Eyre Hunt of the Department of Commerce. Senator Wagner, for his part, still has justification for his remark on June 21: "There has been inexcusable sluggishness in the consideration of the bill. Although it has long enjoyed universal approval, it was halted and resisted at every step in its legislative journey." The act creates an ex-officio Federal Employment Stabilization Board, but it was indicated that its administration would be a function of the Department of Commerce. On June 16, D. H. Sawyer, a consulting engineer, was appointed director.

²¹ See p. 946 below.

original, for it eliminated the conditional subsidies, on the one hand, and, on the other, the authority given for direct federal administration in completely inactive states. This proposal, in the face of the combined authority of Secretary Doak and the venerable chairman of the House judiciary committee, whose term for federal aid was "dole," mustered only 84 votes to 182. The Senate bill, slightly amended, then passed without a record vote. It provided that \$1,500,000 should be available in the current fiscal year and \$4,000,000 annually in 1932, 1933, and 1934, three-quarters of which should be allotted among the states on the basis of population, to be matched by state funds. This went to the President on February 24. The veto that killed it was of the pocket type, but the President was not Calvin Coolidge; he gave his reasons in a statement on March 7. It is questionable whether there could be found a more disingenuous document among recent state papers. The Wagner bill, it was said, would fatally disturb the existing, successfully operating machinery in the Department of Labor, which had needed only the added funds recently made available to be fully effective. Did not the bill expressly state that "the employment service now existing in the Department of Labor is hereby abolished?" The bill would substitute forty-eight virtually independent services; it would improperly subordinate these to arbitrary federal control through the power of the purse. Such was the so-called veto. It was not strange that adverse criticism was sharp, and that it spread. The Secretary of Labor was voluble in self-justification. On April 18, the employment service was reorganized; on August 31, its former director (a person, it may be said, of no outstanding parts) resigned by request. Thus did the existing machinery demonstrate its satisfactory nature!

In his messaged veto of the joint resolution (S.J. Res. 49) regarding Muscle Shoals, the President came to grips with the Senate and won. During the course of the conference deadlock on this measure which hung over from the previous session, the leverage of the Senate had been increased by anticipation of the fact that the newly elected Congress was likely to be more, rather than less, friendly to public operation. After repeated failures, the conferees finally reached an agreement on February 18.²² The gist of the compromise lay in the combination of the scheme for governmental operation through a Muscle Shoals Corporation of the United States with an alternating leasing provi-

²² S. Doc. 272, February 19, 1931.

sion. The extent of Senator Norris' seeming victory was indicated by the fact that the latter must be exercised by the President within twelve months, if at all, and applied only to the nitrate plants, which were to be used by the lessee "exclusively in the production and manufacture of fertilizer and fertilizer ingredients to be used in the manufacture or production of fertilizer." The emphasis upon power was evidenced in the authority given to the governmental corporation "to sell the surplus power not used in its operations and for operation of locks and other works . . . to states, counties, municipalities, corporations, partnerships, or individuals." It was stipulated that "in the sale of such current by the board it shall give preference to states, counties, or municipalities purchasing said current for distribution to citizens and customers;" and stated further that the corporation was authorized "either from appropriations made by Congress or from funds secured from the sale of such power to construct, lease, or authorize the construction of transmission lines." On February 20, the House adopted the conference report by the substantial margin of 216 to 153. The Senate acted three days later; the vote was 55 (20 Republicans, 35 Democrats) to 28 (26 Republicans, 2 Democrats).

On March 3, the President returned the joint resolution with a lengthy veto message. He dismissed the alternative authority to lease the nitrate plants as being of no practical importance in view of the limitations put on lessees.²³ The measure as a whole, the President had remarked in a preliminary statement on March 1, was "an engineering proposition . . . subject to the cold examination of engineering facts." He had pointed out that it was being made a symbol, echoing here a phrase used by Representative Franklin Fort in the course of the House debate. In this he was correct, for naturally enough, amid confused and immature politics, contending social philosophies seek to express themselves by overloading immediate issues with an importance that is symbolical. A vivid illustration of the tendency to symbolize was the veto message itself, which began with a formidable show of figures but soon passed to the avowal of faith implicit in the allusions to "the initiative and enterprise of the American people" and to "the vicissitudes of national politics and the tyranny of remote

²³ The veto message added on this point: "Inquiries have been made of the most responsible and experienced concerns that might possibly undertake such lease, and they have replied that under the conditions set out in the bill it is entirely impractical for them to make any bid."

bureaucracy." In an age of holding companies, the President affirmed that "the real development of the resources and the industries of the Tennessee Valley can be accomplished by the people in that valley themselves." With this in view, he recommended that a commission be constituted to represent Alabama and Tennessee, along with members from the national farm organizations and the corps of engineers.²⁴

The proponents of the measure were outspoken in criticizing the President for what Senator Norris called "his wicked, his cruel, his unjust, his unfair, his unmerciful veto;" but under the circumstances they would doubtless have been glad to forego the attempt to override it. The supporters of the administration pressed their temporary advantage. In the course of the night session on March 3, the joint resolution was again brought to a vote, receiving 49 (16 Republicans, 32 Democrats, 1 Farmer Labor) to 34 (31 Republicans, 13 Democrats).²⁵ A shift of two votes would have yielded a two-thirds majority in the Senate, but it was unlikely that the House as then constituted would follow so far.

In his veto of the measure that increased the loan basis of World War veterans' adjusted compensation, though with better reasons, the President came into collision with the House and was worsted. Congress reflected not only the immediate desires of veterans, but also widespread support among the petty, local elements (which in the aggregate comprise so large a part of business enterprise) for legislation that promised to release a considerable amount of purchasing power. As early as the beginning of January, it was said that forty-seven bills dealing with loans to veterans had been introduced in the House. A compromise measure (H. R. 17054), increasing the loan value of adjusted compensation certificates up to fifty per cent of their

²⁴ On July 14, the President announced the appointment of a commission to advise regarding the disposition of Muscle Shoals. He appointed to it two representatives of the War Department and the president of the American Farm Bureau Federation. The other members were named by the governors of Alabama and Tennessee under authority given by their legislatures. The commission solicited "informative bids." On August 14, one of the representatives of Tennessee resigned, explaining that a majority of his associates were "apparently proceeding along a well-defined and preconceived plan to devote the property primarily to the production of fertilizer."

²⁵ Those who shifted to the negative were Couzens (who favored the measure previously, but who was paired against over-riding the veto) and Thomas of Idaho, Republicans, and Steck of Iowa, Democrat. The other Democrats in the negative were Ransdell of Louisiana and Tydings of Maryland.

face value²⁶ passed the House on February 16 under suspension of the rules by 363 (212 Republicans, 150 Democrats, 1 Farmer Labor) to 39 (all Republicans). Two days later it was hurried through the Senate in order to preclude resort to the pocket veto; the division was 72 (34 Republicans, 37 Democrats, 1 Farmer Labor) to 12 (all Republicans, including Borah alone of the Progressives). The President's veto was delivered on February 26, and promptly over-ridden in the House by 328 (179 Republicans, 143 Democrats, 1 Farmer Labor) to 79 (all Republicans). On February 27 the Senate completed the undoing of the veto by 76 (36 Republicans, 39 Democrats, 1 Farmer Labor) to 17 (16 Republicans, 1 Democrat).

In summary of the use of the veto power, it may be said that during the short session the President disapproved of seven measures by regular or messaged vetoes,²⁷ and five by pocket vetoes.²⁸ The President's power to sign bills after the adjournment of Congress was fortified by a ruling of the Attorney-General.²⁹

Appointments. The delegation to administrative agencies of vast responsibilities, with practically no guidance in the form of unmistakable statutory policy, has overloaded the President's appointing power. It has become a vortex of hot amorphous controversies not yet solidified. The embarrassments of the situation are not less regrettable because it is probably an unavoidable transitional stage. The difficulties were illustrated during the short session in connection with the Federal Power Commission, and also, though less dramatically, the Federal Reserve Board and the Tariff Commission.

The reorganization of the Federal Power Commission by the act approved on June 29, 1930, created five positions of crucial importance. They were temporarily filled by recess appointments, and the in-

²⁶ The Treasury (whose hostile views were predicated partly on the injurious effect which the undertaking might have on the bond market) estimated that the measure involved a potential liability of \$1,720,000,000.

²⁷ H.R.17054 (veterans' loan, repassed over veto); S.J.Res.49 (Muscle Shoals, the attempt to over-ride failing); and also—all of minor importance—H.R.1036, 3368, 6997, 13584, S.3165.

²⁸ S.3060 (employment exchanges); S.543 (pay of rural carriers); and also H.J.Res.357, H.R.8677, S.3924—all of negligible general interest.

²⁹ It was said that approximately 400 bills, mostly of minor importance, were presented within the few days before adjournment. For an earlier discussion of the problem, see Lindsay Rogers, "The Power of the President to Sign Bills after Congress has Adjourned," *Yale Law Journal*, XXX, pp. 1-22 (Nov., 1920).

cumbents were nominated at the opening of the third session. The candidates were questioned by the commerce committee of the Senate, clumsily, it must be said, but at significant length. The unfortunate reaction of the provision for bipartisan membership was illustrated in the fact that much of the scrutiny and discussion, which might better have been concerned with competence and tendency, dealt with the question whether F. R. McNinch of North Carolina, having been active in behalf of Mr. Hoover in 1928, was a Democrat. On December 19, two of the nominees whose initial terms were short—C. L. Draper of Wyoming and R. B. Williamson of Washington—were confirmed without opposition. On the following day, the controversial names were considered. George Otis Smith, director of the Geological Survey since 1907, was confirmed by a vote of 38 (25 Republicans, 13 Democrats) to 22 (10 Republicans, 11 Democrats, 1 Farmer Labor); F. R. McNinch, by 46 to 11 (10 being Democrats); and M. Garsaud of Louisiana, by 42 to 14. The Christmas recess of Congress began almost immediately thereafter. On December 23, the chief accountant of the former commission, William V. King, and the solicitor, Charles A. Russell, were apprized of the fact that the reorganized commission did not wish their services.⁸⁰ A storm of protest was heard when the Senate reconvened; on the basis of their records, King and Russell were symbols of the tendency toward strictness in regulation and a disposition to resolve doubts in favor of operation by public authorities. A technical peg was available for the opposition in the Senate rule (XXXVIII) which provides that reconsideration may be moved within two *legislative* days. A motion requesting the President to return the papers of confirmation relative to three members of the commission was accordingly made on January 5, debated at length, and adopted on January 9 by a vote of 44 (13 Republicans, 30 Democrats, 1 Farmer Labor) to 37 (32 Republicans, 5 Democrats). The President's refusal was received on the following day. It said in part: "I cannot admit the power of the Senate to encroach upon the executive function by removal of a duly appointed executive officer under the guise of reconsideration of his nomination." Simultaneously, in a lengthy public statement, he protested against the "hope of symbolizing me as the defender of power interests if I refuse to sacrifice three outstanding

⁸⁰ The commission took the view that the tenure of members of the old staff automatically terminated on December 22, when a majority of the newly constituted commission met. Mr. King was subsequently reappointed.

public servants or to allow the Senate to dictate to an administrative board the appointment of its subordinates, and if I refuse to allow fundamental encroachment by the Senate upon the constitutional independence of the Executive." The Senate's answer was to order the names restored to the executive calendar by a vote of 36 (12 Republicans, 23 Democrats, 1 Farmer Labor) to 23 (20 Republicans, 3 Democrats). On January 23, the names were recommitted by a vote of 45 (13 Republicans, 32 Democrats) to 32 (28 Republicans, 4 Democrats). On February 4, George Otis Smith failed of confirmation, the division being 33 (29 Republicans, 4 Democrats) to 40 (10 Republicans, 29 Democrats, 1 Farmer Labor). The others, Garsaud and Draper, were confirmed by narrow margins. The next step in the procedure conceived by Senator Thomas Walsh was the adoption of a resolution (S. Res. 415, accepted without a record vote on February 5) requesting the district attorney for the District of Columbia "to institute proceedings in *quo warranto* under the code of said District in the Supreme Court thereof to test the right of George Otis Smith as a member of the Federal Power Commission."³¹

The chairmanship of the Federal Reserve Board gave rise to controversy. Eugene Meyer was serving under a recess appointment. Confirmation was opposed by persons as different as Senator Brookhart, who thought the nominee represented Wall Street, and Representative McFadden, chairman of the House committee on banking, who thought he represented Europe. The fact that hearings were held was indicative of a tendency which, under the circumstances, seems desirable; but the questioning was inept. Mr. Meyer was enabled to say: "I cannot and will not answer questions as to how I will conduct myself if and when I am confirmed." Confirmation was voted on February 25, after two days' debate, by the ample margin of 72 (42 Republicans, 29 Democrats, 1 Farmer Labor) to 11 (4 Republicans, 7 Democrats, with three others paired in opposition).

When the nominees to the reorganized Tariff Commission were interrogated by the Senate committee on finance, innocence was the shield of Henry P. Fletcher, former diplomat, who had been named as chairman. When asked, "What are your general views with reference

³¹ The district attorney was advised by the Attorney-General to lend his name, but not other aid. A subcommittee of the Senate committee on judiciary announced on February 18 that John W. Davis and Alexander J. Groesbeck had been engaged as special counsel. Suit was filed on May 4.

to the tariff," he answered, "I haven't any views on the tariff."³² It was a successful defense, though it did not pass without comment in the Senate.³³ Mr. Fletcher and two others were confirmed without a record vote on January 12. On the following day, the remaining names were acted upon. There was open opposition only to Edgar Brossard of Utah, a member of the former commission. After eight hours' debate, in which much was heard of sugar, Mr. Brossard was confirmed by a vote of 45 to 36 (7 Republicans, 28 Democrats, 1 Farmer Labor).

Enactments. A bare list of enactments that rose above the ruck will serve the purposes of reference and summary:

1. Possibilities of permanent importance inhere in the very cautious act (S. 5776, approved February 10, Public No. 616) that created the Federal Employment Stabilization Board, to be composed of the Secretaries of the Treasury, Commerce, Agriculture, and Labor, to be supplied with a staff, and charged with advising the President regarding the need of emergency appropriations during any "period of business depression and unemployment." Each construction agency was directed to maintain a six-year advanced plan.

2. Transitory relief took several forms. (a) Conditions consequent to the drought in 1930 were the object of S.J.Res. 211, approved December 20, Public Resolution No. 112, which authorized loans aggregating \$45,000,000, the sum being appropriated by H.J.Res. 447, approved January 15, Public Resolution No. 114. A rider on the Interior Department Appropriation Act (H.R. 14675, approved February 14, Public No. 666) provided an additional \$25,000,000 and liberalized the conditions of its use. (b) Additional funds aggregating \$116,000,000 for use on roads and waterways during the then current fiscal year were appropriated by H.R. 14804, approved December 20, Public No. 550. The regular appropriation acts, of course, made many increases in allowances for construction in the new fiscal year.³⁴ (c) The building program outside the District of Columbia was enlarged by an increase of \$100,000,000 in the authorized appropriation (H.R.

³² *Hearings before the Committee on Finance, U. S. Senate, 71st Congress, 3d session, on the Confirmation of Members of U. S. Tariff Commission, Dec. 6, 8, and 9, 1930, p. 7.*

³³ It was announced on July 28 that Mr. Fletcher, whose only purpose had been to energize the reorganization of the commission's work, would leave it about November 15.

³⁴ See the summary table on p. 953.

RECAPITULATION OF APPROPRIATION ACTS, THIRD SESSION, SEVENTY-FIRST CONGRESS

Act	Total, Budget estimates	Totals of bills as reported by House Committee on Appropriations	Appropriations	Increase (+) or decrease (-) appropriations compared with Budget estimates	Increase (+) or decrease (-) appropriations Seventy-first Congress, third session, compared with same for Seventy-first Congress, second session
<i>Regular Acts, Fiscal Year 1930</i>					
Agriculture.....	\$213,919,040	\$213,043,702	\$215,577,562	+\$1,659,822	+\$60,181,092
District of Columbia.....	45,843,517	45,596,225	45,673,533	-170,679	-103,194
Independent offices.....	1,055,358,190	1,052,568,148	1,052,777,610	-2,581,190	+499,253,844
Interior.....	69,588,741	63,561,005	85,247,609	+19,686,865	-197,295,817
Legislative.....	28,690,611	23,857,975	26,077,185	-1,717,426	+415,417
Navy.....	361,173,248	344,342,952	358,254,552	-2,919,296	-22,319,159
State, Justice, Commerce, and Labor	138,650,960	135,789,668	137,427,954	-1,227,006	+23,170,718
State.....	17,590,073	18,681,325	17,527,323	-67,750	+501,854
Justice.....	51,988,261	51,239,201	51,237,201	-749,060	+19,468,089
Commerce.....	54,635,226	54,035,941	54,337,230	-302,996	+1,091,745
Labor.....	14,437,400	13,830,200	14,337,200	-107,200	+2,109,030
Treasury and Post Office.....	1,104,280,353	1,053,553,948	1,083,147,923	-21,131,430	-65,939,085
Treasury.....	255,436,296	241,750,026	241,367,146	-13,571,150	-70,439,785
Post Office.....	848,844,057	841,803,917	841,780,777	-7,560,290	+4,500,700
War Department.....	450,347,891	446,024,150	445,767,735	-4,582,156	-10,778,416
Military.....	338,933,359	334,956,880	334,707,965	-4,277,394	-4,400,494
Non-military.....	111,414,532	111,067,270	111,059,770	-304,762	-6,377,922
Total, regular acts.....	3,467,852,552	3,413,337,765	3,454,347,065	-13,010,486	+236,585,400
<i>Deficiency and Miscellaneous Acts</i>					
Emergency construction act.....	150,000,000	110,000,000	116,000,000	-34,000,000	.....
First deficiency, 1931.....	95,882,528	92,393,325	109,302,822	+13,421,293	.....
Second deficiency, 1931.....	79,986,802	59,108,415	83,997,031	+4,004,229	.....
Total, deficiency.....	325,869,331	261,501,747	309,299,853	-16,574,477	+65,642,059
<i>Miscellaneous, Relief, Claims, and other Acts</i>					
Federal Farm Board, agricultural marketing fund.....	150,000,000	.....	150,000,000	.....	.....
Farmers seed, feed, etc., loan.....	45,000,000	.....	45,000,000	.....	.....
Sundry miscellaneous.....	5,200,671	.....	5,417,378	+216,707	.....
Total, miscellaneous, etc.....	200,200,671	.....	200,417,378	+216,707	+156,948,597
Grand total.....	3,993,922,554	3,674,839,512	3,664,556,238	-29,368,255	+509,176,057
Permanents and indefinites.....	1,213,970,669	.....	1,213,910,659	.....	.....
Total.....	5,207,893,223	.....	5,178,526,937	.....	.....

16297, approved February 16, Public No. 671) and this and another act (H.R. 14040, approved February 6, Public No. 608) liberalized the procedure. (d) The World War Adjusted Compensation Act was amended to increase the loan basis to 50 per cent of the face value of the certificates (H.R. 17054, passed over the veto February 26-27, Public No. 743). (e) An additional \$150,000,000 was appropriated to the revolving fund of the Federal Farm Board (H.R. 15359, approved

December 22, Public No. 551); and later the appropriation act for the independent offices (H.R. 16415, approved February 23, Public No. 720) gave \$100,000,000 more, completing the fund authorized by the act of 1929.

3. An amendment to the National Prohibition Act (H.R. 9985, approved January 15, Public No. 557) emerged from conference, to which it had been sent in the preceding session. It sought to differentiate the treatment of casual and commercial violations by providing that where the defendant "has not theretofore within two years been convicted of a violation of the said Act or is not engaged in habitual violation of the same," and where the amount involved is not more than one gallon, the punishment shall be a fine not to exceed \$500 or confinement in jail without hard labor not to exceed six months.⁸⁵

4. The basis for a "ten-year coöperative program" in curbing predatory and injurious animals was laid in the authorization of \$1,000,000 annually for a decade (H.R. 9599, approved March 2, Public No. 776).

5. Changes were made for the purpose of strengthening the legislation on oleomargarine (H.R. 16836, approved March 4, Public No. 16836).

6. The Warehouse Act was amended in a number of respects (H.R. 7, approved March 2, Public No. 772).

7. The General Leasing Act of 1920 was altered, mainly in the direction of facilitating coöperative or unit plans of development (S. 6128, approved March 4, Public No. 853).

8. Further easing of naturalization in behalf of married women was the object of H.R. 10672, approved March 3, Public No. 829.

9. A scheme of grading and classification of clerks for the foreign service was established by an act (H.R. 9110, approved February 23, Public No. 715) that amended previous legislation at numerous points.

The final story of any session is never told, for when it can be written it appears as the account of later Congresses. Short sessions

⁸⁵ The limited character of the legislation enacted gives no idea of the verbal attention that prohibition received in connection with the attempt to pass a relatively drastic enforcement act for the District of Columbia (S. 3344, which may have served as a buffer, though it seemed on the verge of passing the Senate); in connection with the report of the National Commission on Law Observance and Enforcement, transmitted to Congress on January 20; and in connection with the usual attacks incidental to appropriations.

are notably full of seeming frustration.²² It is reassuring that, at the price of much fumbling, the congressional system has enough vitality to project its inquiries ahead into questions like the relation of money to politics, unemployment insurance, and the possibilities of a national economic council.

Columbia University.

ARTHUR W. MACMAHON.

The Time of Meetings of Congress. In public discussions of the proposed Norris "lame duck" amendment, and in demands by members of Congress for special sessions to meet temporary emergencies, the fact is often overlooked that Congress itself has the power to regulate the time of its meeting. The fourth section of Article IV of the Constitution provides: "The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day." Under this provision, the much-criticized rush of bills in the short session could easily be averted by an act convening Congress at an earlier date than the first Monday in December. So, too, a Congress whose final session was coming to a close could provide that its successor should meet immediately, instead of waiting until the following December. A Congress desirous of a special session on a problem like unemployment could call such a session irrespective of lack of action by the President, provided it could command a majority sufficient to over-ride a possible presidential veto. Of course such action could be taken only while

²² The renewal of maternity aid on a permanent basis (S.255) nearly passed; the conference report had been accepted in the House and was pending in the Senate. An important bill on copyrights (H.R.1249), having passed the House on January 13, 185 to 34, was the unfinished business of the Senate at the end. The Capper-Kelly resale price bill, sometimes called "fair-trade bill" (H.R.11), passed the House on January 29 without a record vote, but was not reported in the Senate. The motor bus bill (H.R.10288) was taken up in the Senate at the beginning of the session, but was recommitted on December 4 by 51 (25 Republicans, 26 Democrats) to 29 (20 Republicans, 8 Democrats, 1 Farmer Labor), and a sub-group of the commerce committee failed to decide upon the next step to take. A measure to clarify the Radio Act (H.R.11635), having passed the House on April 30, 1930, and the Senate on February 17, was caught in conference. The question of new legislation on railroad consolidation marked time, but (on the basis of an investigation made by special counsel of the commerce committee under S.Res.290), S.6276 was introduced by Senator Couzens on March 2 in preparation for the new Congress. The measure for Philippine independence (S.3822) died on the Senate calendar.

Congress was in session, because, under the provisions of the Constitution, the President is the only person who, between sessions, is empowered to call special sessions.

These statements are not the result of theoretical speculation, but rest firmly on the facts of our legislative history. Prior to 1821, no fewer than eighteen acts were passed by Congress appointing a different day for its meetings from that stipulated in the Constitution.¹ Before referring to these acts more in detail, it would perhaps clarify matters somewhat to recall to mind how March 4 was decided upon as a limit of presidential and congressional terms. Article VII of the Constitution provided that the instrument should go into effect when ratified by nine states. This was accomplished on June 21, 1788. In a resolution of September 13, 1788, the Congress of the Confederation, after providing dates for the choice of electors and the election of a president, set the first Wednesday in the following March as the time "for commencing the proceedings under said Constitution." The first Wednesday in March, 1789, fell on March 4. Lack of a quorum until April 6 prevented the counting of the electoral vote, and it was not until April 30 that Washington was inaugurated president.² However, Congress decided that both congressional and presidential terms had begun on March 4, 1789, and by act of March 1, 1792, set March 4, 1793, as the date for the beginning of the next presidential term.³

The 1st Congress adjourned its first session on September 29, 1789, but before doing so passed an act setting January 4, 1790, as the date of the beginning of its next session.⁴ This session ended on August 12, and, no further action being taken, the third session commenced on December 6, 1790, in accordance with the constitutional provision. A number of bills were introduced in the session with respect to the next meeting of Congress, and eventually by act of March 2, 1791, the date was set for the fourth Monday in October, 1791, more than a month before the date provided for in the Constitution.⁵ The precedent here established was followed with considerable frequency. The favorite date was the first Monday in November, no less than ten of the eighteen

¹ For a list of these acts, see *Index to United States Statutes, 1789-1851*, p. 226.

² The best contemporary account of the inauguration is in the *Journal of William Maclay*, pp. 1-10.

³ *U. S. Statutes at Large*, I, p. 241.

⁴ *Ibid.*, I, p. 96.

⁵ *Ibid.*, I, p. 198.

laws passed prior to 1821 selecting that day. The second, third, and fourth Mondays in November were also chosen, as were the fourth and last Mondays in October. Twice during this period—in 1809 and in 1813—the beginning of the short session was set by law for the fourth Monday in May. It is also worthy of note that nearly half of the acts passed by Congress related to the long session, emphasizing the fact that Congress was concerned not merely with the brevity of the short session. The calling of the first session of a Congress at an earlier date than that set by the Constitution shortened the period between the election of members and their active participation in legislation, thus meeting much of the criticism made against that situation.

Several questions of constitutional interpretation arose in connection with these laws. For example, the act of March 3, 1797, had fixed as the date of the meeting of the 5th Congress the first Monday in November, 1797.⁶ But President John Adams called a special session for May 15. When this Congress met, the question was raised whether the act passed at the last session fixing the date of the next meeting of Congress as the first Monday in November had not been superseded by the calling of the special session. Opponents of this interpretation held that although the President had power to call extra sessions, it was the business of Congress to fix the dates of annual meetings, and therefore, the two powers could not be allowed to infringe upon each other. However, in order to avoid any misunderstanding on the subject, a new law was passed fixing the meeting of Congress on the second Monday in November, with a clause repealing the former act. Many members of Congress did not believe the new act was necessary and opposed it on the ground that to take such action would give the President the power to repeal a law and to do away with the provisions of the Constitution of this subject.⁷

The special session called by President Adams met on May 15, and adjourned on July 10, 1797, and the regular session met on November 13, in accordance with the act passed by Congress. But what would happen if a special session called by the President had not completed its business prior to the date set for the next annual session? It was not long before this contingency arose. By the act of March 3, 1803, Congress provided that the next meeting should be on the first Monday

⁶ *U. S. Statutes at Large*, I, p. 507.

⁷ *Annals of Congress*, 5th Congress, 1st Session, 27, 28, 377, 408; *U. S. Statutes at Large*, I, pp. 525-526.

of the following November.⁸ President Jefferson, however, called the 8th Congress into special session on October 17, and Congress remained in session until March 27, 1804, thus continuing without a break through November 7, the date set by Congress, and through Monday, December 5, the day appointed by the Constitution for the regular annual session.

Nor was this a solitary instance. The first meeting of the 10th Congress was convened by proclamation of President Jefferson on October 26, 1807, and remained in session until April 2, 1808, without any interruption on Monday, December 7, the constitutional day of meeting. The same was true of the 12th Congress, which was convened by proclamation of President Madison on November 4, 1811, and continued in session until July 6, 1812. Again, at the second session of the 13th Congress a law was passed and approved April 18, 1814, setting the last Monday in November of that year for the next meeting of Congress.⁹ But a special session was called by President Madison for September 19, 1814, and it, too, continued through the day appointed by law and by the Constitution for the beginning of the session. The reports of proceedings in Congress fail to disclose any discussions of constitutional problems here involved. If there were any questions in the minds of members concerning distinctions between regular sessions of Congress and special ones called by presidential proclamation, presumably they were not raised.

This practice, however, was not allowed to continue, and it was later established that a special session, whether convened by law or by proclamation, ends with the day set by the Constitution for the annual meeting. During the quarrel between Congress and President Johnson, Congress passed an act, approved by the President on January 22, 1867, because he realized his veto would be futile, providing that "in addition to the present regular times of meeting of Congress, there shall be a meeting of the 40th Congress of the United States and of each succeeding Congress thereafter at 12 o'clock meridian, on the 4th day of March, the day on which the term begins for which the Congress is elected."¹⁰ The 40th Congress, convened under this law, was still in session when the day approached for the regular annual meeting. A resolution was passed by both houses that the president of

⁸ *U. S. Statutes at Large*, II, p. 242.

⁹ *Ibid.*, III, p. 128.

¹⁰ *Ibid.*, XIV, p. 378.

the Senate and the speaker of the House should adjourn their respective houses without day on Monday, December 2, at twelve o'clock.¹¹ In accordance with this concurrent resolution, on Monday, December 2, the presiding officers of the two houses declared the houses adjourned *sine die*.¹² Immediately thereafter the houses were called to order in the second session.¹³ The act of January 22, 1867, which applied to three Congresses, the 40th, 41st, and 42nd, was repealed April 20, 1871.¹⁴

On October 15, 1877, the 45th Congress met in special session on the call of President Hayes, and it remained in session until December 3, the day appointed by the Constitution for the regular meeting of Congress. During the morning session on December 3, by concurrent resolution it was resolved to be the judgment of the two houses that the current session of Congress expired by operation of law at twelve o'clock meridian on that day.¹⁵ The two houses then agreed to the usual resolution authorizing the appointment of a joint committee to wait on the President and inform him of the adjournment. At twelve o'clock the new session was called.

The precedent here established was followed in later sessions. In the 58th Congress, President Roosevelt called a special session for November 9, 1903. The House adjourned on Saturday, December 6, but the Senate was still in session on Monday, December 7. At twelve o'clock on that day, the president *pro tempore* of the Senate announced that the hour provided by law for the meeting of the first regular session of the 53th Congress had arrived, and declared the extraordinary session adjourned *sine die*.¹⁶ Immediately the Senate was called to order in regular session, as was also the House, and the second session of the 58th Congress commenced. Almost identical action was taken by the 63rd Congress, when called into special session by President Wilson on April 7, the session continuing to Monday, December 1, when it was adjourned in order that the regular session might commence.¹⁷

The stand here taken by Congress is an important one in the maintenance of the theory of the separation of powers in our national

¹¹ *Congressional Globe*, 40th Congress, 1st Session, pp. 798-799.

¹² *Ibid.*, pp. 816, 817.

¹³ *Ibid.*, 40th Congress, 2nd Session, Pt. I, pp. 1, 2.

¹⁴ *U. S. Statutes at Large*, XVII, p. 12.

¹⁵ *Congressional Record*, 45th Congress, 1st Session, pp. 814, 816.

¹⁶ *Ibid.*, 58th Congress, 1st Session, p. 544.

¹⁷ *Ibid.*, 63rd Congress, 1st Session, p. 6053.

government. If no distinction were made between special sessions called by the president and regular sessions provided by the Constitution, and if special sessions were to extend over the date set for regular meetings, the president would be able to exert undue pressure on the legislative branch of the government. On the other hand, the action of Congress in its conflict with President Johnson illustrates the extent of its power to meet practically continuously, provided it has sufficient strength to over-ride the presidential veto.

An attempt of the 24th Congress, in 1836, to fix the date of the annual meeting of Congress on the first Monday in November in every year was vetoed by President Jackson because the same act contained a provision fixing the second Monday of May as the day of adjournment of the first session of all succeeding Congresses. Jackson admitted without question the power of Congress to fix, by law, a day for its regular annual session. But the attempt to set a definite date for the adjournment of all succeeding Congresses he regarded as unconstitutional.¹⁸

It is interesting to note that, in contrast with the frequent acts of Congress prior to 1821 changing the dates of its meetings, only one law for that purpose has been passed since 1821. This was the act of January 22, 1867, which, as already noted, grew out of Congress' distrust of President Johnson. In recent years, Congress has seemed content to let the President call special sessions rather than exercise its power to change the date of its meetings. Undoubtedly, the development of the party system and of the party leadership of the President has had much to do with the present situation. But the fact remains that Congress has the power to change its times of meeting, just as it did so often in its earlier history. A constitutional amendment is not necessary to enable a newly elected Congress to meet for its first session on, or immediately after, March 4 following its election or to enable Congress to fix the dates of annual sessions. A change in the date of the inauguration of the President or of the beginning of the terms of congressmen would require a constitutional amendment, and it is perhaps the combination of these provisions with the sessions of Congress in the Norris proposals which has obscured somewhat the real power of Congress over the time of its own meetings.

University of Michigan.

EVERETT S. BROWN.

¹⁸ *Congressional Globe*, 24th Congress, 1st Session, p. 544.

Methods of Apportionment in Congress. Introduction. The apportionment for this decade has now been made by Congress, and a bill has been passed which will automatically provide for reapportionment in all subsequent decades. Under this law, the size of the House will remain 435, and the method of computation will remain the method of major fractions as used in 1911 unless Congress takes the initiative in making a change. It may, however, be a matter of interest to put on record a brief description of the principal "methods" which were under discussion in the recent congressional debates. No knowledge of mathematics is required in order to understand the purpose and result of each of these methods.

The constitutional requirement. The constitutional requirement reads as follows: "Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed; . . . but each state shall have at least one representative." Hence, in a theoretically perfect apportionment, the ratio of representation in any state would be exactly equal to the ratio of representation in every other state. In practice, however, perfect equality cannot be secured, on account of fractions. Hence, in the practical problem of apportioning any given number of representatives among the several states, the only way in which the constitutional requirement can be met is by making the unavoidable inequalities between the states as small as possible.

How the problem of "method" arises. How these inequalities between the states are to be measured mathematically is a problem which has vexed Congress at every decennial apportionment. The ratio of representation which the Constitution intends to be equalized among the several states may be interpreted in two ways. In the first place, the "ratio" in any state may be interpreted to mean the *number of people per representative* in that state (at present about 281,000). In the second place, the "ratio" in any state may be interpreted to mean the *number of representatives per million inhabitants* in that state (at present about 3.56). The second ratio is equivalent to the first ratio inverted.

In a theoretically perfect apportionment, it would, of course, make no difference which interpretation of the ratio is adopted, since in either form the ratio for any state would be exactly equal to the ratio for every other state. But in practice, when we have to compare the value of the ratio in one state with the value of the ratio in another state,

in order to apportion the representatives in such a way as to make these two values as nearly equal as possible, then it *may* make a difference which interpretation of the "ratio" is adopted.

Congress has tried various methods of getting around this difficulty. The most obvious plan is to compute the exact number of representatives to which each state would be entitled in a theoretically perfect apportionment, and then throw away the fractions less than one-half and add one representative for each fraction greater than one-half. But it has long been known that this plan is mathematically unworkable, because it does not always lead to a definite result. Another method, used from 1850 to 1900, had to be abandoned because it led to a curious situation known as the Alabama paradox. Both these methods were based on the computation of an average value of the "ratio" for the country at large. The method of major fractions, introduced in 1910 and now in use, is based on a quite different principle.

In the recent debates in Congress, the two methods which were most widely discussed were the *method of major fractions* and a new method known as the *method of equal proportions*. The mathematical facts as to the aims and results of these two methods are now well established in mathematical literature. The purpose of the present note is to present, without argument or discussion, and without touching upon any constitutional or political questions, a brief summary of these facts. (The technical details of the process of computation may well be left to the experts in the Bureau of the Census. This technical process is no more complicated in one method than in the other, as is shown by an official statement in the *Congressional Record* for January 30, 1929.

The mathematical facts:

A. If Congress desires to make the *number of people per representative* as nearly uniform as possible among the several states, then it must choose some other method than the method of major fractions; the method of major fractions cannot be relied upon to accomplish this aim. The method of major fractions makes no attempt to equalize the number of people per representative among the several states.

B. If Congress desires to equalize the *number of representatives per million* inhabitants, without regard to the number of people per representative, then it is faced with the necessity of making a choice between the method of major fractions and the method of equal proportions.

C. If Congress desires to make *both* the number of people per representative *and* the number of representatives per million inhabitants as nearly uniform as possible among the several states, then *the only method which will always accomplish this aim is the method of equal proportions*. (This dual property may be taken as the definition of the method of equal proportions.) If this method is adopted, it is not necessary to determine which form of the "ratio" is the more important, since both forms lead to the same result.

These are the essential mathematical facts in regard to the aims and results of the two methods. None of these facts were available in 1911.

Supplementary notes:

Note 1. For a more detailed account of the whole problem, including a discussion of the constitutional and political aspects of the problem, the short-cut technical processes of computation, and an extensive bibliography, the reader is referred to Professor Z. Chafee, Jr.'s article on "Congressional Reapportionment" in the *Harvard Law Review* for June, 1929. Reference may also be made to the report of the National Academy of Sciences, printed in the *Congressional Record* for March 2 and May 22, 1929. (This report concludes that the method of equal proportions is preferable, not only because it has the dual property mentioned above, but also because among all the known methods of apportionment it "occupies mathematically a neutral position with respect to emphasis on larger and smaller states.")

Note 2. In regard to the number of states which the choice of method might affect, the following statistics may be of interest. In 1920, if an apportionment had been made in that year, six states would have been affected. In 1930, it happened that for a House of 435 members, both methods led to the same result. (This would not have happened for any other size of House up to 472. For sizes near 450, the difference between the two methods would have affected six or eight states.) How the figures will come out in 1940, it is of course impossible to tell until the census populations are known. Under possible distributions of population, the choice of method might conceivably affect a large number of states.

Note 3. Since in the recent debates the choice between the method of equal proportions and the method of major fractions was often referred to as essentially a choice between "relative" and "absolute"

differences, the following mathematical facts on this point may be of interest:¹

D. If statement C (above) is adopted as the proper aim or goal of an apportionment, then no decision between "relative" and "absolute" differences is required. The method of equal proportions is completely defined by statement C, without the addition of any further premise. If this statement C is adopted, it follows mathematically that relative differences are to be used.

E. If relative differences are adopted, then no decision between the two forms of the "ratio" is required. (See above). A decision in favor of relative differences would lead directly to the method of equal proportions, without any further premise. There is only one method which can be properly called "the relative difference method."

F. On the other hand, if absolute differences are adopted, then a further decision is required between the two forms of the "ratio." A decision in favor of absolute differences, taken by itself, would lead to a dilemma, since there is no definite method which can be called "the absolute difference method." There are two "absolute difference methods," depending on which form of the ratio is adopted. One of these "absolute difference methods" is the method of major fractions, while the other may be called the converse of the method of major fractions. Mathematically, the aims of these two methods are precisely parallel, and there is no mathematical ground on which either can be preferred over the other. The method of equal proportions occupies a middle position between the two "absolute difference methods," and completely avoids the dilemma which they present.

When the method of major fractions was introduced in 1911, all the emphasis was laid on the technical process of computation, no attempt being made to measure the resulting inequalities between the states. At that time, no adequate tests of the final result of an apportionment were available. Concerning the final result, as distinguished from the technical process of computation, the following mathematical facts are now known:

G. In order to defend the result of the method of major fractions on scientific grounds, two premises are required: (1) absolute differences; and (2) the exclusive use of the second form of the ratio.

¹ To find the relative, or percentage, difference between two numbers, divide the larger by the smaller, and note the excess over unity. For example, the relative difference between 300,000 and 240,000 is 25 per cent (since $300,000 \div 240,000 = 1.25$).

H. Similarly, in order to defend the result of the "converse" method, the following two premises are required: (1) absolute differences; and (2) the exclusive use of the first form of the ratio.

I. On the other hand, in order to defend the result of the method of equal proportions, only one premise is required; and this premise can be stated in either of two ways: (1) In the first place, it is sufficient to establish the single premise that neither form of the "ratio" should be excluded from recognition; or (2) it is sufficient to establish the single premise that relative differences are to be preferred. If either of these two premises is granted, the other will necessarily follow. And by the same token, if the method of equal proportions is to be successfully attacked, not one but both of these premises must be overthrown.

As explained above, it is not the purpose of the present paper to argue the case for or against any of the three methods. The purpose has been merely to present, as briefly as possible, the mathematical limitations within which all such arguments must necessarily proceed.

EDWARD V. HUNTINGTON.

*Department of Mathematics,
Harvard University.*

Mr. Justice Brandeis: Exponent of Social Intelligence. It is common observation that progress in social sciences has not kept pace with mastery of natural sciences; that ability to deal effectively with modern industrial life offers a very poor parallel to the expertness with which scientific questions are considered. There are perhaps two explanations.

First, research in mechanical, chemical, and electrical science has yielded, as by-products, a vast crop of new problems in human affairs.¹ While invention and discovery created the possibility of releasing men and women from the thralldom of drudgery, new dangers to liberty appeared with the introduction of the factory system and the development of the business corporation. Large publicly owned corporations replaced small privately owned concerns ownership of the instruments of production passed from the workman to the employer; personal relations between the proprietor and his help ceased. The individual contract of service lost its character because of inequality between employer and employee. Group relation of employee to em-

¹ For an exhaustive examination of this subject, see *Report of the Committee on Recent Economic Changes*, 2 vols. (N.Y., McGraw-Hill, 1929).

ployer, with collective bargaining, became common; indeed it was, in the opinion of some, absolutely essential to the worker's protection. These changes, in turn, called for ever-increasing governmental regulation. One result has been to emphasize anew the essential unity of economics, politics, and law.

Second, progress in dealing with social matters has not kept pace simply because few men of talent and ability have bent their efforts to this field. It would be difficult indeed to point to any contributions to social research that begin to compare with those made by Steinmetz, Michelson, Millikan, Pasteur, and many others in the scientific field.² Even seemingly elementary questions are still calling for solution. Is machine production, which tends more and more to exceed the possibilities of reasonable consumption, and to flood the world with goods for which there is not sufficient demand, to be restricted? If so, how? Why is our economic and political machinery so clumsy and inefficient that men are permitted to go hungry in the cities while wheat is being fed to hogs in the West? Why are factories closed when so large a percentage of the human race is undernourished, underclothed, and clamoring for jobs? Should unemployment be left to the hard settlement of supply and demand, or are unemployment insurance and the dole to be recognized and established by law as necessary features of the new world economy? Why, in the midst of so many labor-saving devices, is there so little leisure for the workers? How, in short, can men be taught to think more about human welfare and less about property and vested interests? How can the economics of production and distribution be reorganized so that everybody will have more of the good things of life and less of poverty, misery, and distress? It is certainly an extraordinary and challenging fact that our parents, with comparatively few of the conveniences and labor-saving devices that are ours, were nevertheless more contented, peaceful, and secure.

Living in such a period as this, Mr. Louis D. Brandeis emphasized

² Recently, some very noteworthy studies have been made in the attempt to grapple with our social and economic ills. Among the best are: Norman Thomas, *America's Way Out; A Program for Democracy* (N.Y., Macmillan, 1931); Sir George Paish, *The Way to Recovery* (N.Y., Putnam, 1931); Paul H. Douglas and Aaron Director, *The Problem of Unemployment* (N.Y., Macmillan, 1931); Stuart Chase, *The Nemesis of American Business; and Other Essays* (N.Y., Macmillan, 1931); W. B. Donham, *Business Adrift* (N.Y., McGraw-Hill, 1931); P. T. Moon, ed., *Depression and Revival* (Proceedings of Academy of Political Science, N.Y., 1931); R. T. Ely, *Hard Times—The Way In and the Way Out* (N.Y., Macmillan, 1931).

long before he became a member of the Supreme Court the need for social and economic intelligence: "We are sure," he said in 1911, "to have for the next generation an ever-increasing contest between those who have and those who have not. There are vital problems to be solved. And for those we need our ablest men. The reason why we have not made more progress in social matters is that these problems have not been tackled by the practical men of ability, like those who have worked on industrial inventions and enterprises. We need social inventions, each of the many able men adding his work, until the invention is perfected."³

That Mr. Brandeis himself did not shirk this responsibility cannot be questioned.⁴ There was hardly a phase of social, economic, and industrial life to which he did not turn his hand—labor, trusts, railroads, insurance, and finance are but part. Hence he brought to the Supreme Court an unequalled wealth of experience in dealing with such matters, and out of this he had already framed a definite set of social and economic ideas.

Modern industrial society, as Mr. Brandeis sees it, is essentially a "contest between those who have and those who have not."⁵ The day of the entrepreneur is past. No longer can the American boy look forward to becoming independent in his own shop or on his own land. The United States has become largely a nation of employees, and the most significant consequence of the industrial revolution was to create for most men this status of employee-ship.

Huge profits and numerous advantages had, it is true, resulted from the introduction of machinery; but these gains had, from a social point of view, been largely dissipated; for the employers, instead of raising the standard of civilization generally, had appropriated to themselves the greater part of the profits. The effect was a new kind of despotism; economic absolutism replaced what was formerly social absolutism. Politically, the American workman is said to be free; economically, he is a neglected serf. The inconsistency and injustice of this situation is, in the opinion of Mr. Brandeis, patent enough, and cannot long continue. His words express conviction:

³ Recorded by Ernest Poole from an interview with Mr. Brandeis. *American Magazine*, LXXI, 481, 493.

⁴ See the present writer's article, "Mr. Justice Brandeis: A Student of Social and Economic Science," *University of Pennsylvania Law Review*, LXXIX (April, 1931).

⁵ Poole, *op. cit.*, p. 492.

"There is felt today very widely the inconsistency in this condition of political democracy and industrial absolutism. The people are beginning to doubt whether in the long run democracy and absolutism can coëxist in the same community; beginning to doubt whether there is a justification for the great inequalities in the distribution of wealth, for the rapid creation of fortunes, more mysterious than the deeds of Aladdin's lamp. The people have begun to think; and they show evidences on all sides of a tendency to act."⁶

Mr. Brandeis was concerned lest the movement take the form of violence. He was therefore driven to seek remedies. Realizing that the profits from the machine had already been largely absorbed by the speculations of capital, he looked to improvements in another direction to benefit the employees, and so sponsored his well-known principles of scientific management.⁷ The application of these principles, he believed, is capable of producing economies in production comparable to those effected by the transition from hand to machine labor. The purpose of scientific management is not merely to conserve human effort but to secure greater profit, a large part of which, Brandeis argues, should go to the workers. "If the fruits of scientific management are directed into the proper channels, the workingman will get not only a fair share, but a very large share, of the additional profits arising from improved industry."⁸

But labor cannot be expected to get its just due save by organized

⁶ Brandeis, *Business—A Profession* (1925), p. 326.

⁷ The following is Brandeis' statement of these principles: "Under scientific management the employee is enabled to earn without greater strain upon his vitality from twenty-five to sixty per cent, and at times even one hundred per cent, more than under the old system. The larger wages are made possible by larger production; but this gain in production is not attained by 'speeding up.' It comes largely from removing the obstacles to production which annoy and exhaust the workman—obstacles for which he is not, or should not be made, responsible. The management sees to it that his machine is always in perfect order. The management sees to it that he is always supplied with the necessary materials. The management sees to it that the work comes to him at proper times, with proper instructions and in proper condition. The management sees to it that he is shown the best possible way of doing the job; that is, the way which takes least time, which takes least effort, and which produces the best result." From brief introduced at Interstate Commerce Commission hearing, January 3, 1911. Reprinted in Brandeis, *Scientific Management and the Railroads* (1911), p. 91. See also F. B. Gilbreth, *Primer of Scientific Management* (1914), Introduction by Louis D. Brandeis.

⁸ Brandeis, *Business—A Profession*, p. 43.

effort. Therefore he favors unionism and collective bargaining. He insists that unions must participate in fixing wages, hours, and conditions, and in determining the application to various businesses of the principles of scientific management. "There will be in most trades little probability of attaining the best conceivable conditions unless in some form a union of employees exist. . . . Peace and prosperity . . . are not to be attained by any attempt to weaken trade unions. Our hope lies rather in their growing strength and stability."⁹

But the interests of wage-earners cannot be cared for by labor unions alone; nor is sporadic, emotional charity to be depended upon. Financial dependence being due, as it frequently is, to sickness, accident, invalidity, superannuation, unemployment, or premature death of the bread winners of the family, the community, more particularly the employers, must bear the burden of supporting needy wage-earners without reference to the cause of their inability to support themselves.¹⁰ Workmen's compensation legislation had already made clear the need for a comprehensive system extending protection to the wage-earners against financial dependence. The tenor of his argument may be gleaned from the following: "Everybody recognizes the first insurance premium as a current expense. And yet the chance of loss by fire is very slight as compared with the chance of loss of earnings by sickness, accident, or premature death. Every intelligent manufacturer makes in some form a regular charge for depreciation of machinery and plant. And yet the depreciation of man through invalidity and superannuation is no less certain, and frequently more severe, than the

⁹ Brandeis, *Business—A Profession*, pp. 18, 20.

¹⁰ "From the point of view of the working-man, the expense of providing old age pensions is a part of the daily cost of living. He should contribute while able to work to a fund which will sustain him when he ceases to earn. From the point of view of the employer, the expense of providing old age pensions is a part of the current expense of his business. He should pay as he goes the accruing cost of retiring employees who will become superannuated. . . . Every pension system should be contributory and coöperative; that is, the cost should be borne partly by the employer and partly by the employee, and preferably in equal shares." *Independent*, LXXIII, pp. 188, 191 (1912). Regardless of the party on whom the burden falls, Brandeis is sure that superannuation should be considered as a depreciation charge, and argued that the wage-earner must be protected in whosoever employ he may happen to be when he reaches the period of superannuation. Any pension system that really protects, he insists, must confer upon the worker an absolute right. He characterized the system of discretionary pensions as "new peonage." *Ibid.*, p. 187.

depreciation of machinery. Every intelligent manufacturer recognizes rent, interest, and taxes as current daily charges which continue although his plant is shut down or operates at less than full capacity. The manufacturer makes allowance for this in calculating the cost of production as an extra charge to be met from the earnings of active days. But the cost to the employer of carrying an unused plant is not as great relatively as the cost to the employee of carrying himself and family while unemployed. The manufacturer who fails to recognize fire insurance, depreciation, interest, and taxes as current charges of the business treads the path of bankruptcy. And that nation does the like which fails to recognize and provide against the economic, social, and political conditions which impose upon the workingman so large a degree of financial dependence."¹¹

Irregularity of employment, Mr. Brandeis feels, is not only the worst but an ever-present social and industrial ill. "Even in fairly prosperous times, the workingmen of America are subjected to enforced idleness and loss of earnings, on the average, probably ten to twenty per cent of the working time."¹² Some irregularity in employment, he admits, is inevitable. But he insists that, for the most part, it is remediable. "In scientifically managed business irregularity tends to disappear. So far as it is irremediable it should be," he argues, "compensated for like the inevitable accident."¹³

Brandeis fully appreciates the high cost of the assumption of such large social responsibilities. But, he tells us: "The cost of attaining freedom is usually high, and the cost of providing for the workingman, as an essential to freedom, a comprehensive system of insurance will prove to be no exception to this general rule. But, however large the cost, it should be fairly faced and courageously met. For the expense of securing indemnity against financial losses attending accident, sickness, invalidity, premature death, superannuation, and unemployment should be recognized as a part of the daily cost of living, like the more immediate demands for rent, for food, and for clothing. So far as it is a necessary charge, it should be met now as

¹¹ Brandeis, *Business—A Profession*, pp. 54-55.

¹² *Ibid.*, pp. 6-7.

¹³ *Ibid.*, p. 61. "The reserve to ensure regularity of employment is as imperative as the reserve for depreciation; and it is equally a part of the fixed charges to make the annual contribution to that reserve. No business is socially solvent which cannot do so." Quoted in *Survey* LX, p. 5 (April 1, 1929).

a current expense, instead of being allowed to accumulate as a debt with compound interest to plague us hereafter."¹⁴

As an explanation of the cause for our social and industrial unrest (which he characterized as "reasoned" and "well-founded"),¹⁵ Mr. Brandeis points first to the fact that workers have been denied their proper share of the profits.¹⁶ But the problem, in Mr. Brandeis' opinion, is deep-seated and its solution far-reaching. No real solution, nor even an approximation of a solution, of unrest can be reached "as long as there exists in this country any juxtaposition of political democracy and industrial absolutism. . . . Before we can really solve the problem of industrial unrest, the worker must have a part in the responsibility and management of the business, and whether we adopt scientific management, or adopt any other form of obtaining compensation or of increasing productivity, unrest will not be removed as long as we have that inconsistency."¹⁷

Mr. Brandeis, in short, is an ardent advocate of industrial democracy. A champion of industrial democracy, he rejects those schemes that are so frequently offered in its name. He does not consider, for example, "the holding of stock by employees—what is practically almost an insignificant participation, considering their proportion to the whole body of stockholders in large corporations—improves the condition of labor in those corporations. . . . Its effect," he believes, "is rather the opposite."¹⁸ Nor does profit-sharing, however liberal,

¹⁴ *Business—A Profession*, p. 54.

¹⁵ Statement before a Senate committee hearing on trust legislation, Dec. 14, 1911. Reprinted in Alfred Lief, *The Social and Economic Views of Mr. Justice Brandeis* (1930), p. 374.

¹⁶ "Those who do the work [should] get in some fair proportion what they produce. The share to which capital as such is entitled is small. All the rest should go to those, high and low, who do the work." *Ibid.*, p. 374. By workers, Brandeis meant managers, skilled handicraftsmen, and day-laborers.

¹⁷ For an extended and excellent statement of his position on this subject, see Brandeis' testimony before the United States Industrial Commission on Industrial Relations, 64th Cong., 1st Sess., 1915-16, Sen. Doc., Vol. 26, p. 7659 *et. seq.*

¹⁸ *Ibid.*, p. 7659. "A wide distribution of stock, instead of being a blessing, constitutes, to my mind, one of the gravest dangers to the community. It is absentee landlordism of the worst kind. . . . Such a wide distribution of the stock dissipates altogether the responsibility of stockholders, particularly of those with five shares, ten shares, fifteen shares, or fifty shares. They recognize that they have no influence in a corporation of hundreds of millions of dollars capital. Consequently they consider it immaterial whatever they do, or omit to do; the net result is that the men who are in control, it is almost impossible to dislodge, unless

entirely meet the situation. "That would merely mean dividing the profits of business. Such a division may do harm or it might do good, dependent on how it is applied."¹⁹ To achieve industrial democracy, much more is necessary. It demands that "the problem of trade should not longer be the problems of the employer alone. The problems of his business, and it is not the employer's business alone, are the problems of all in it. The union cannot shift upon the employer the responsibility for conditions, nor can the employer insist upon determining, according to his will, the conditions which shall exist. The problems which exist are the problems of the trade; they are the problems of employer and employee. . . . There must be a division, not only of profits, but a division also of responsibilities. The employees must have the opportunity of participating in the decision as to what shall be their condition and how the business shall be run. . . ."²⁰ Industrial democracy will not come by gift. It has got to be won by those who desire it. And if the situation is such that a voluntary organization like a labor union is powerless to bring about the democratization of a business, I think we have in this fact some proof that the employing organization is larger than is consistent with the public interest. . . . And the state must in some way come to the aid of the workingmen if democratization is to be secured."²¹

Mr. Brandeis almost makes one feel that our present wage system is worse than the servile system of a century ago.²² Under the latter,

there should be such a scandal in the corporation as to make it clearly necessary for the people on the outside to combine for self-protection." *Ibid.*, p. 7661. Any one conversant with the facts in connection with the recent controversy in the Bethlehem Steel Corporation will appreciate the truth of this statement.

¹⁹ *Ibid.*, p. 7660.

²⁰ *Ibid.*

²¹ *Ibid.*, p. 7662. He points out, for instance, that many states "have, in aid of industrial liberty, prohibited the employers from making it a condition not to join a labor union. It may become necessary to apply a similar prohibition against features in private pension schemes which have a tendency to unduly abridge the liberty of the individual workingman." Brandeis, *Business—A Profession*, p. 77.

²² See his statement before the House committee hearings on investigation of the United States Steel Corporation, Jan. 29, 1912, p. 2842 ff. "While this corporation [U. S. Steel] is the greatest example of a combination, the most conspicuous instance of combination of capital in the world, it has . . . undertaken, and undertaken successfully, to deny the right of combination to the workingmen, and these horrible conditions of labor, which are a disgrace to America, considering the wealth which has surrounded and flown out of this industry, are the result of

the employer had to feed, clothe, and house his slaves whether he needed their services or not. Under the wage system, the employer pays only for such services as he needs and actually receives. This gives point to Mr. Brandeis' observation that "politically, the American workman is free so far as law can make him so. But is he really free? Can any man be free who is constantly in danger of becoming dependent for mere subsistence upon somebody and something else than his own exertion and conduct? Men are not free while financially dependent upon the will of other individuals. Financial dependence is consistent with freedom only where claim to support rests upon right, and not upon favor."²³

Another aspect of our industrial system has attracted the attention of Mr. Brandeis. He observed the increasing tendency of business concerns to grow bigger and bigger, and to fall under the control of a smaller number of persons. Trusts and monopolies were for him objects of grave suspicion: first, because he had demonstrated that a point is reached in the growth of industry where "bigness" no longer makes for efficiency; he destroyed, in other words, the common delusion that efficiency is a necessary incident to size.²⁴ Second, because so-called "big business" runs counter to his cherished principles of

having killed or eliminated from the steel industry unionism. All the power of capital and all the ability and intelligence of the men who wield and who serve the capital have been used to make practically slaves of these operatives, because it does not mean merely in respect to the way in which they have lived, but the very worst part of all this is the repression. It is a condition of repression, of slavery in the real sense of the word, which is alien to American conditions." *Ibid.*, p. 2356.

²³ Brandeis, *Business—A Profession*, p. 53.

²⁴ "When . . . you increase your business to a very great extent, and the multitude of problems increase with its growth, you will find, in the first place, that the man at the head has a diminishing knowledge of the facts and, in the second place, a diminishing opportunity of exercising a careful judgment upon them. Furthermore—and this is one of the most important grounds of inefficiency of large institutions—there develops a centrifugal force greater than the centripetal force. Demoralization sets in; a condition of lessened efficiency presents itself. . . . These are disadvantages that attend bigness." Then follows a detailed examination of the records of numerous trusts. Hearings before the Committee on Interstate Commerce on the Control of Corporations, Persons, and Firms Engaged in Interstate Commerce. 62nd Cong., 2d Sess., S. Res. 95, Vol. I, p. 1147 *et seq.* (1912). See also Brandeis, *Other People's Money and How the Bankers Use It* (1914), p. 162.

industrial democracy.²⁵ He was especially apprehensive of monopolistic control in the field of public utilities. Here his concern was for the interest not merely of the employees, but of the public. He argued that the relations of the utilities and the public should be adjusted upon principles of prudent investment, efficient capitalization, scientific management, and fair earnings equally shared with the public under the sliding-scale principle.

To secure freedom and independence against all these modern forms of oppression, government itself must intervene. Brandeis foresaw and advocated increased governmental regulation and control. "I can see that the tendency is steadily toward governmental control. The government must keep order not only physically but socially. In old times the law was meant to protect each citizen from oppression by physical force. But we have passed to a subtler civilization; from oppression by force we have come to oppression in other ways. And the law must still protect a man from the things that rob him of his freedom, whether the oppressing force be physical or of a subtler kind."²⁶

Accordingly, he argued that property, although a necessary institution, should never be regarded as an end in itself, but as a means of promoting human freedom. When, therefore, "property is used to interfere with that fundamental freedom of life for which property is only a means, then property must be controlled. This applies to the regulation of trusts and railroads, public utilities, and all big industries that control the necessities of life. Laws regulating them, far from being infringements on liberty, are in reality protections against infringements on liberty."²⁷

²⁵ "The grave objection to the large business is that, almost inevitably, the form of organization, the absentee stockholdings, and its remote directorship prevent participation, ordinarily, of the employees in such management. The executive officials become stewards in charge of the details of the operation of the business, they alone coming into direct relation with labor. Thus we lose that necessary coöperation which naturally flows from contact between employers and employees—and which American aspirations for democracy demand. It is in the resultant absolutism that you will find the fundamental cause of prevailing unrest; no matter what is done with the superstructure, no matter how it may be improved in one way or the other, unless we eradicate that fundamental difficulty, unrest will not only continue, but, in my opinion, will grow worse." Statement before the United States Industrial Commission on Industrial Relations, 64th Cong., 1st Sess., 1915-16, Sen. Doc., Vol. 26, p. 7660.

²⁶ Poole, *op. cit.*, p. 492.

²⁷ *Ibid.*, p. 493.

As already shown, he warmly advocated various forms of social legislation, including the minimum wage,²⁸ believing that "if society and industry and the individual [workman] were made to pay from day to day the actual cost of the sickness, accident, invalidity, premature death, or old age consequent upon excessive hours of labor, unhygienic conditions of work, unnecessary risks, and irregularity of employment, those evils would be rapidly reduced."²⁹ He also favored legislation in aid of trade unions in order to secure greater equality of bargaining power between employer and employee, to the end that industry might be democratized. He observed inequality, too, between great corporations, with huge resources, and the small competitor, and argued that government must be prepared to lend its aid in behalf of the latter to prevent oppression and injustice.³⁰

In short, according to Mr. Brandeis, we are living in a day when the primary need of the great masses is not so much political emancipation as industrial liberty and freedom. He well understands that liberty is not a thing to be conferred. Rather he is eager to establish conditions which will enable the individual to develop his power, to enjoy the health, time, and wherewithal really to live, rather than merely to subsist. For this the individual needs financial independence, leisure, and education for mental development.

No materialist, Mr. Brandeis, through choice, has devoted his own life chiefly to questions of large public interest. "I have only one life, and it's short enough. Why waste it on things that I don't want most? And I don't want money or property most. I want to be free."³¹

²⁸ On the subject of minimum legislation, he said: "I am unable to see that there is any difference in principle between a minimum wage law and a law governing the hours of labor, or a factory safety law or a child labor law or any of the other laws of this character. We set out with the principle, the fundamental policy not only in the Constitution, but as the fundamental policy of the Anglo-American people, that liberty should not be restricted except in so far as required for the public welfare, health, safety, morals, and general public conditions. . . . The liberty of each individual must be limited in such a way that it leaves to others the possibility of individual liberty, the right to develop must be subject to that limitation which gives everybody else the right to develop; the restriction is merely an adjustment of the relations of one individual to another." From a statement before the New York Factory Investigating Commission, Jan. 22, 1915, Vol. V, pp. 2880-2881.

²⁹ Brandeis, *Business—A Profession*, p. 70.

³⁰ See Brandeis' statement before House committee hearings on interstate and foreign commerce, 63rd Cong., 2nd. Sess., Jan. 31, 1915, p. 4.

³¹ Quoted by Poole, *op. cit.*, p. 493.

Dissenting sharply from the materialism of Samuel Gompers, and subscribing rather to the philosophy of Plato and Aristotle, he wrote in 1916: "Undoubtedly 'a full dinner pail' is a great achievement as compared with an empty one, but no people ever did or ever can attain a worthy civilization by the satisfaction merely of material needs, however high these needs are raised. The American standard of living demands not only a high minimum wage, but a high minimum of leisure, because we must meet, also, needs other than material ones."³²

Leisure is necessary not merely for the sake of individual development: "We need leisure, among other reasons, because with us every man is of the ruling class. Our education and conditions of life must be such as become a ruler. Our great beneficent experiment in democracy will fail unless the people, our rulers, are developed in character and intelligence. . . . The educational standard required of democracy is obviously high. The citizen should be able to comprehend, among other things, the many great and difficult problems of industry, commerce, and finance, which with us necessarily become political questions."³³ Thus for Mr. Brandeis democracy is at best a noble experiment, and the conditions under which it will succeed are most exacting.

Mr. Brandeis realized in 1916 that government must play a leading rôle in the achievement of the kind of state which he envisaged; that the law as hitherto administered had failed to meet contemporary social and economic needs. "Political as well as economic science," he observes, "noted these revolutionary changes. But legal science—the unwritten or judge-made laws as distinguished from legislation—was largely deaf and blind to them. Courts continued to ignore newly arisen social needs. They applied complacently eighteenth-century conceptions of the liberty of the individual and of the sacredness of private property. . . . Where statutes giving expression to the new social spirit were clearly constitutional judges, imbued with the relentless spirit of individualism, often construed them away."³⁴

The Constitution, Mr. Justice Brandeis contends, does not necessarily stand in the way of social and economic progress: "I see no need," he said, "to amend our Constitution. It has not lost its capacity

³² Brandeis, *Business—A Profession*, p. 29.

³³ *Ibid.*, p. 32.

³⁴ Brandeis, "The Living Law," *Illinois Law Review*, X, p. 461.

for expansion to meet new conditions, unless interpreted by rigid minds which have no such capacity. Instead of amending the Constitution, I would amend men's economic and social ideas. . . . What we must do in America is not to attack our judges but to educate them." Law being a narrowing, conservatizing profession, Mr. Brandeis advised "study undertaken preparatory to practice—and continued by lawyers and judges throughout life: study of economics and sociology and politics which embody the facts and present the problems of today."⁸⁵

Law for Mr. Brandeis is no mere embodiment of an arbitrary set of *a priori* abstractions existing in a vacuum; rather, law is essentially an instrument of social policy. Knowledge of it does not consist simply in the logical consistency of its rules. There is still the need for acquaintance with the economic and social facts within which the law operates. He emphasized the truth of the old maxim of the Civilians—*ex facto jus oritur*. Out of the facts grows the law; that is, propositions should never be considered abstractly, but always with reference to facts. "No law," he argued, "written or unwritten, can be understood without full knowledge of the facts out of which it arises, and to which it is to be applied."⁸⁶ Contrasting his own method of treating constitutional questions with that generally followed by the court, he observed: "In the past the courts have reached their conclusions largely deductively from preconceived notions and precedents. The method I have tried to employ in arguing cases before them has been inductive reasoning from the facts."⁸⁷

Despite such preference, it may, I think, be fairly concluded that fundamentally, Mr. Brandeis is an idealist, not always entirely objective, seldom without a liberal bias regarding the social and economic questions with which he has to deal. His vision is of an ideal state wherein tyranny, political and industrial, is abolished. His contention that he has no rigid social philosophy is in a sense true. He is essentially a social scientist. Hence by reason of the subject-matter of his interest, problems for him are never solved but always in process of solution. New inventions, unforeseen emergencies, and various other factors give rise to new difficulties and call for a different method of approach.

⁸⁵ Poole, *op. cit.*, p. 493.

⁸⁶ Brandeis, *Business—A Profession*, p. 316. See also his dissenting opinion in *Adams v. Tanner*, 244 U.S. 590, 597 (1917).

⁸⁷ Poole, *op. cit.*, p. 493.

Although usually coupled with Mr. Justice Holmes in any discussion of Supreme Court personnel, Mr. Justice Brandeis singularly differs from Holmes both in judicial attitude and in his approach to questions of social policy. In most quarters, Mr. Justice Holmes is still given credit for being a liberal; yet he himself has never, so far as I know, pretended to be anything other than a constitutional skeptic. Indeed, he has frequently taken particular care to say that he is entirely indifferent to the actual merits of legislative experimentation in social and economic affairs.³⁸ Mr. Justice Brandeis, on the other hand, has demonstrated both on and off the bench that he is a genuine liberal. He is an avowed partisan of the common man; his special concern is for those who are economically and financially dependent upon others for livelihood; he prefers human welfare to property rights. Highly sensitive to present-day economic and social ills, he could never remain aloof and indifferent as is the habit of Mr. Justice Holmes; he seeks the cause of abuses, and examines the merit of proposed remedies. He is essentially an advocate, in other words, whether he happens to be writing a brief or a judicial opinion.

Mr. Justice Brandeis always prefers facts to dialectic. Indeed, his famous briefs prepared prior to his Supreme Court appointment dealt in such a way with social and economic problems as to suggest in the minds of certain writers an entirely new method in constitutional exegesis. The truth is, however, that his briefs hardly amount to more than substantial proof of some of the more obvious facts of modern industrial life.³⁹ That legislation forbidding women to work more than eight hours a day or accept less than minimum wages, that statutes regulating labor contracts between employees and corporations, serve to enlarge, not restrict, liberty and freedom of contract, hardly need support by facts and statistics. Nevertheless, we have had not a few

³⁸ For stimulating comments, see H. L. Mencken, *American Mercury*, XX, p. 122; W. H. Hamilton, "The Legal Philosophy of Justices Holmes and Brandeis," *Current History*, XXXIII, p. 654; Norman Hapgood, "Justice Brandeis: Apostle of Freedom," *Nation*, CXXV, p. 330; review of Lief's *Social and Economic Views of Mr. Justice Brandeis*, by Judge Joseph C. Hutcheson, Jr., *Yale Law Journal*, XV, May, 1931; J. P. Pollard, "Justice Brandeis and the Constitution," *Scribner's Magazine*, LXXXVII, p. 11.

³⁹ For an interesting statement of the right of the court to take judicial notice of such facts, see Brandeis' testimony in hearings before the House committee on interstate and foreign commerce, 63rd Cong., 2nd Sess., Feb. 4, 1914, p. 106ff.

judicial decisions as evidence that certain judges honestly believed that such was not the case.

As a member of the Supreme Court, Mr. Justice Brandeis, therefore, continues to resort to these fact-finding agencies. Counsel frequently fail to make such presentation of the case as satisfies him, so he proceeds to first-hand study of the facts on his own account. In his opinions are assembled a formidable array of social data and statistics concerning every conceivable aspect of the problem involved. As in his briefs, so in his opinions, legal argument and judicial precedent play a comparatively small rôle; facts and figures predominate. His task as judge does not consist merely in demonstrating the legal validity of the legislation in question; its social desirability must also be examined and proved. Whether the issue be workmen's compensation, collective bargaining, employment agencies, or methods of determining depreciation for rate-making purposes, a correct decision, he holds, can be reached only by exhaustive resort to facts.

Writing when economic, social, and political affairs were far less complex and baffling than today, Mr. Brandeis emphasized the urgent need for social intelligence. But he did more: He made a diagnosis of some of the outstanding social and economic ills from which society is still suffering; he suggested remedies which he felt would aid recovery. He went further, even, and strongly implied that unless society radically alters its point of view and habits of life, that which appears a lingering disease may terminate fatally. It is too bad that, amid the challenging facts seen and studied by Mr. Brandeis, the statistical-psychological group of political scientists—one of our most energetic intellectual soviets—has seen fit to bury its collective head in the sand of so-called problems, many of which are either insoluble, irrelevant, or immaterial. It is Brandeis' leadership that they might better be following.

ALPHEUS T. MASON.

Princeton University.

JUDICIAL ORGANIZATION AND PROCEDURE

EDITED BY WALTER F. DODD

Yale Law School

Felony Trials Without a Jury. Recent crime surveys have shown that the majority of contested felony cases are never tried in open court, being settled instead by the striking of a "bargain" between the defendant and the prosecuting officer. Administrative discretion has thus largely supplanted judge and jury alike. The practice has been severely criticized by Professor Moley, who characterizes it as "psychologically more akin to a game of poker than to a process of justice," being "an attempt to get as much as possible from an unwilling giver" rather than "a search for truth."¹ In view of the technicalities and delay that were permitted to develop in connection with jury trials, the utilization of some such avenue of escape would seem to have been inevitable. The practice may be expected to develop still further unless judicial procedure is improved to a point where a trial becomes an efficient means of disposing of contested criminal cases.

In most jurisdictions, the only alternative to such a compromise agreement has been a jury trial. Trial by a judge alone, the right to a jury being waived, has been regarded as of doubtful constitutionality. Recent decisions of the federal Supreme Court² and of the supreme court of Illinois,³ sustaining such non-jury trials even in the absence of statutory authorization, have gone far toward dispelling this doubt,

¹ Raymond Moley, *Politics and Criminal Prosecution* (1929), p. 189. Chapters 7 and 8 contain an excellent discussion of this phase of the subject, which is beyond the scope of the present note. The recent Al Capone fiasco in the federal district court sitting in Chicago shows the methods employed, and also illustrates the manner in which such compromise agreements occasionally fall through because the judge refuses to cooperate with the prosecution. See *infra*, pp. 8, 10.

² *Patton v. United States* (1930), 281 U.S. 276, 50 S. Ct. 253. Although this was not a true waiver case, the facts having been found by a jury of eleven men, the opinion states that we "must treat both forms of waiver as in substance amounting to the same thing." But cf. *Commonwealth v. Hall* (1928), 291 Pa. 341, 140 A. 626, 58 A. L. R. 1023. I discuss this conflict of opinion, together with the other constitutional and statutory problems involved in the non-jury trial of felony cases, in an article which is to appear in the *California Law Review* for January, 1932.

³ *People v. Fisher* (1930), 340 Ill. 550, 172 N.E. 722.

and warrant an examination of the practical working of the waiver plan in those jurisdictions where it has been given a trial. In seven states⁴ the practice of allowing such a waiver is of sufficient maturity to justify drawing rather definite conclusions, and the developments thus far in the courts of the federal government and of seven other states⁵ which have adopted the practice within the last five years furnish evidence of what may be expected in the future.

Frequency of Waiver: State Courts. There is the greatest divergence as to the frequency with which advantage is taken of the right to dispense with a jury trial upon a plea of "not guilty" of felony. In Connecticut,⁶ Maryland,⁷ and Wisconsin,⁸ trial by the court has be-

⁴ Connecticut (1921), *Acts* 1921, c. 267, s. 2; Indiana (1905), *Burns' Anno. Stat.* 1926, s. 2299; Maryland (1352), *Code* 1924, art. xxvii, s. 549; New Jersey (1898), *Comp. Stat.* 1910, s. 13; Oklahoma (1911), *Cowden v. State*, 5 Okl. Cr. 71, reversing *In re McQuown* (1907), 19 Okl. 347, 91 P. 681, and holding that art. vii, s. 20 of the constitution of 1907 applies to criminal as well as civil cases; Washington (Territorial Act), *Remington's Comp. Stat.*, 1922, s. 2144; Wisconsin (1925), *Laws* 1925, c. 124, s. 1. Special acts authorizing waiver in various Wisconsin counties, except in capital cases, date from 1831. For the Maryland practice of waiving a jury at common law, see Carroll T. Bond, "The Maryland Practice of Trying Criminal Cases by Judges Alone, Without Juries," in 11 *Amer. Bar Assoc. Jour.* 699 (1925), and Judicial Council of Massachusetts, *First Report* (1925), p. 97. Only the Washington law excepts capital cases. Connecticut, *Acts* 1927, c. 107, provides that such cases shall be tried by a bench of three judges. In Oklahoma, the prosecuting attorney, and in Indiana the court as well, must consent to such a waiver before it can become effective.

⁵ California (1928), Constitution, art. 1, s. 7; Illinois (1930), *People v. Fisher*, *op. cit.*, *supra* note 2; Massachusetts (1929), *Gen. Laws*, c. 263, s. 6; Michigan (1927), *Acts* 1927, pp. 284, 318; Ohio (1929), *Code* 1930, ss. 13442-4, 13442-5; Rhode Island (1929), *Gen. Laws*, c. 407, s. 78; Virginia (1928), Constitution, art. i, s. 8. Massachusetts excepts capital cases. In Rhode Island the consent of the court, and in Virginia of the prosecuting attorney as well, is required.

⁶ Lucius P. Fuller, clerk of the superior court for Hartford county, writes that "the jury is waived in probably more than three-fourths of the cases which are tried." Letter dated May 12, 1931. From Waterbury comes news that "nearly half of our cases are now tried by the court." Letter from Mr. George H. Freeman, clerk of the Superior Court, dated May 6, 1931. In Bridgeport, 21 cases, ranging in seriousness from assault with intent to murder, to lascivious carriage, were tried by the Superior Court without a jury between September, 1929, and July, 1930. Letter from Mr. Michael J. Flanagan, clerk, dated May 9, 1931. Mr. Richard H. Phillips, reporter of the Supreme Court of Errors, and until recently secretary of the Judicial Council, summarizing the situation for the state as a whole, says that "very few criminal cases are tried to the jury, the accused almost always preferring to be tried to the court." The distinction between felonies and mis-

come the general rule, while in Oklahoma⁹ and Washington¹⁰ the statutes have been virtually ignored. Indiana and New Jersey, the

demeanors has been abolished in Connecticut; hence no separate figures are available as to felonies and the major misdemeanors. (Only the more serious criminal prosecutions are tried in the Superior Court.) The belief seems to be general that there is little difference, so far as waiver is concerned, as between what other jurisdictions would denominate felonies and misdemeanors, respectively, the controlling factors being other than the seriousness of the penalty that follows conviction.

⁹In the Supreme Bench of Baltimore, which tries all felonies as well as the major misdemeanors, the non-jury criminal trials have consistently averaged 95 per cent. In 1927, 4,588 cases were tried to the court, while only 229 were tried with juries. California Judicial Council, *Second Report* (1929), p.44. Cf. the circuit court for Washington county, Hagerstown, where approximately 25 per cent of the contested felony cases are tried without a jury. Letter from Mr. Edward Oswald, clerk, dated May 20, 1931.

¹⁰"In 1929, there were 1,852 cases brought before the Municipal Court, thirteen of which were pending on January 1st, 1929. Seven of these cases were pending on January 1st, 1930, which made a total of 1,845 cases disposed of during the year. The total of cases, nolle, dismissed, transferred to the Circuit Court, cases in which the defendants were adjudicated insane before trial and committed, and so forth, amounted to 76. Deducting this figure from the 1,845 cases disposed of leaves a balance of 1,769. Deducting 988 pleas of guilty, leaves a balance of 781 cases that were contested; 104 of these were jury trials, and 677 were tried on waivers. This amounts to approximately 13 per cent jury trials and 87 per cent waivers of jury. In 1930, there were 2,053 cases before the court, eight of which were pending on January 1st, 1931. This left a balance of 2,045 cases disposed of. Eighty-eight of these cases were disposed of by being nolle and dismissed, and by transfer to the Circuit Court, others by reason of the defendants being adjudicated insane before the trial and committed, and so forth. This left a total of 1,957 cases. Of these, 1,045 were disposed of on pleas of guilty, leaving a balance of 912 contested cases. There were 130 jury issues and 782 waivers. This amounts to approximately 14 per cent juries and 86 per cent waivers of juries." Letter from Hon. George A. Shaughnessy, judge of the Municipal Court of Milwaukee, dated May 25, 1931. This court tries felony cases exclusively. It will be noted that the proportion of cases disposed of other than by actual trial is exceptionally low. Cf. *Illinois Crime Survey* (1929), p. 102. Milwaukee authorities attribute this in part to the advantages accruing from the non-jury trial.

¹¹Mr. Phil K. Oldham, county attorney of Muskogee county, writes: "I have been in this office for almost six years and have never tried a defendant before the court without a jury. . . . I am sure that you will find this situation all over the state." Letter dated June 22, 1931. Mr. W. L. Coffey, county attorney of Tulsa county, writes that "it is very seldom that defendants in this state waive their right of trial by jury." In his own county, such waivers average less than two a year. Letter dated June 24, 1931. Mr. Lewis R. Morris, county attorney of Oklahoma county, the most populous in the state, reports two non-jury trials during the first six months of the year. In twelve years' practice of criminal law, his firm

two remaining states in which the legality of the practice is of comparatively long standing, occupy a middle ground.¹¹ The same is true of the new converts to the rule. In Virginia, the judge has definitely gained a monopoly;¹² Illinois¹³ and California¹⁴ appear to be tending

never handled a case in which the defendant pled not guilty and waived a jury trial. Letter dated July 13, 1931.

¹⁰ Mr. Benjamin T. Hart, chief deputy to the clerk of the Superior Court of King county (Seattle), writes that "waivers come so infrequently," in misdemeanor as well as felony cases, that neither he nor any one in the office of the presiding judge can recall such a waiver in recent months. Letter dated April 30, 1931. Mr. Charles W. Greenough, prosecuting attorney for Spokane county, states that during his eight years' incumbency "we have had but one case which was submitted to the court." Letter dated May 6, 1931. From Tacoma comes word that "To my knowledge no defendant in Pierce county during the past seven years has taken advantage of [the statute] authorizing a waiver of trial by jury. . . . Inquiry has been made of other members of this office and of the judges, and no case has been recalled by any of them. Letter from Prosecuting Attorney Bertil E. Johnson, dated May 8, 1931. The same news comes from the rural sections. "In the eight years that I have been in this office," writes Mr. Charles E. Vetter, clerk of the superior court of Yakima county, "there have been but two instances where [a jury was waived]. One was a case of driving while drunk, and the other was a liquor case under the felony penalty." Letter dated May 4, 1931. Mr. Archie B. Stewart, county clerk of Whatcom county, cannot recall a single instance of such a waiver. Letter dated May 2, 1931.

¹¹ See S. C. Oppenheim, "Waiver of Trial by Jury in Criminal Cases" (1927), 25 *Mich. L. Rev.* 695. In both states, waiver in misdemeanor cases is the general rule, although the proportion is much lower in offenses of the more serious grade. In Passaic county (Paterson), of the 855 trials on indictments during 1930 not more than 5 per cent were by jury. (The figures include both misdemeanors and "high misdemeanors." The word "felony" is not used in New Jersey). Letter from Mr. Lloyd B. Marsh, county clerk, dated May 29, 1931. Non-jury trials became so frequent that in 1926 the New Jersey legislature created a special system of criminal district courts to try only those cases where indictment and trial by jury are waived.

¹² "In the two and one-half years that this provision has been in effect we have not had a single case of a felony jury of less than the former number of 12, but . . . probably 70 per cent of the pleas of not guilty are now tried by the court without a jury. Letter from Mr. Thomas R. Miller, deputy clerk, Hastings Court, Richmond, dated May 16, 1931. (The Virginia statute authorizes a complete waiver, or an agreement upon any number of jurors less than 12. Doubtless the real purpose of the latter is to validate a conviction following the forced dismissal of a juror).

¹³ Since the decision in *People v. Fisher* (1930), *op. cit.*, *supra* note 13, "juries have been waived in two-thirds of the cases tried in the Criminal Court" of Chicago, and a like proportion in the other courts. Judicial Advisory Council of Cook

in that direction. A recent survey of felony prosecutions in Detroit revealed that for a nine months' period the cases tried to a jury numbered 1,271, while in 1,593 cases a jury was waived.¹⁵ On the other hand, news comes from Lansing that in Ingham county, Michigan, there has been but one waiver of a jury trial in the course of the last year.¹⁶ In Boston, approximately 11 per cent of the felony trials are without a jury;¹⁷ in Cleveland, only 45 waivers have been recorded out of a list of 1,544 indictments.¹⁸ And in Rhode Island, the Judicial Council, after a vigorous and successful battle for the passage of a waiver statute, is protesting that thus far the act has been virtually a dead letter.¹⁹

County, *First Report* (1931), p. 27. Hon. Denis E. Sullivan, judge of the Superior Court and a member of the Council, writes: "I am not thoroughly advised as to the percentage of jury waivers between felonies and misdemeanors, but understand that there is no difference. In fact, 68 per cent of such waivers relate to our Criminal Court, which tries only felonies in so far as the first count of the indictment is concerned." Letter dated May 18, 1931. See also Judicial Advisory Council of Illinois, *First Report* (1930), p. 26.

"For the year ending June 30, 1930, 659 of the 2,270 contested felony cases were tried to the court. This is 29 per cent. For the four metropolitan counties, Alameda (Berkeley, Oakland), Los Angeles, San Diego, and San Francisco, the proportions were 18.4, 43.6, 23.2, and 11.0 per cent, respectively. In comparison, of the 223 misdemeanor cases tried in the Superior Court, which handles all felony cases, the proportion of waivers to total cases tried was 42.6 per cent for the state at large, and 41.7, 57.7, 15.5, and 28.6 per cent, respectively, for the four metropolitan counties. It will be noted that in the Los Angeles courts, which handle approximately 46 per cent of all the cases, non-jury trials are far more frequent than in the balance of the state. The Judicial Council, in its *Third Report* (1931), p. 35, states: "During the fiscal year ending June 30, 1929, out of a total of 867 contested criminal trials, 241, or slightly more than 27 per cent, were heard without a jury. In the following year this ratio had increased quite considerably, with the result that approximately 44 per cent of all the defendants tried waived a jury." It is hard to say what figures those cited for 1928-29 represent; Appendix B clearly shows that 1,254 persons were convicted of felony in that year. The statement regarding 1929-30 was apparently taken from an estimate in the *Second Report* (1929), p. 45; but this prediction failed to materialize. I have prepared my figures from Appendices B and C of the Council's *Third Report*.

¹⁵ Judicial Council of California, *Second Report* (1929), p. 45.

¹⁶ Letter from Miss Flora G. Dewey, deputy county clerk, dated May 27, 1931.

¹⁷ Letter from Mr. John R. Campbell, clerk of the criminal court, dated May 11, 1931. Waiver is most frequent in morals cases.

¹⁸ Letter from Hon. Homer G. Powell, chief justice of the court of common pleas, dated May 5, 1931.

¹⁹ *Fourth Report* (1930), p. 8. The statistical summaries appended to the *Report*

Frequency of Waiver: Federal Courts. After the advent of national prohibition and the consequent deluge of federal liquor prosecutions,²⁰ the apparent necessity that all criminal trials in the district courts, for misdemeanors as well as felonies, be by jury²¹ was a constant source of complaint on the part of all who wished to see these tribunals given at least a Chinaman's chance to keep up with their dockets.²² However, at least one federal district judge doubted that trial by jury was necessary, even in the absence of further legislation. Hon. Albert W. Johnson, sitting for the Middle District of Pennsylvania, as long ago as 1926 adopted the practice of permitting the defense and the prosecution to waive a jury in any criminal case.²³ That the

show but five instances of non-jury criminal trials, including misdemeanors as well as felonies, in the courts of general jurisdiction during a year's time. In fact, as the Council bitterly complained in its *First Report* (1927), p. 23, "of the civil trials only some 2 or 3 per cent are without jury."

²⁰ "It is probable that [in 1923] more persons were prosecuted in the federal court for violations of the prohibition laws than were prosecuted in the state courts for all criminal offenses." Judicial Council of Idaho, *First Report* (1930), p. 12.

²¹ That such was the law was accepted as settled by the decisions in *Thompson v. Utah* (1397), 170 U.S. 343, 345, 18 S. Ct. 620 (*dictum*); *Dickinson v. U.S.* (C.C.A. 1908), 159 F. 801; *Low v. U.S.* (C.C.A. 1909), 169 F. 86; and *Coates v. U.S.* (C.C.A. 1923), 290 F. 134. The opinions even threw a cloud of doubt upon the power of Congress to authorize criminal trials without a jury, or with one of less than 12 men, the defendant consenting. Only "petty offenses" were excepted—*Schick v. U.S.* (1903), 195 U.S. 65, 24 S.Ct. 828—and no one appeared ready to champion the doctrine that a violation of the "law of all laws" was a *petty* offense, at least under the existing provisions of the Volstead Act. See the article cited *supra*, note 2.

²² See National Commission on Law Observance and Enforcement, Report Supplemental to the Preliminary Report on Observance and Enforcement of Prohibition (1930), House of Representatives, 71st. Congress, 2d. Session, Document No. 252, pp. 20 ff.

²³ Letter from Hon. A. W. Johnson, dated May 25, 1931. Judge Johnson explains: "As you understand, until . . . April 14, 1930 [the date of the Patton case, *op. cit.*, *supra* note 1], the legality of the waiver of jury trials was questioned, but notwithstanding this doubt on account of the large number of cases I permitted [it]. I do not know of any other district in which such procedure prevailed." Nor does the present writer know of any such practice elsewhere. But see *infra*, note 47. It seems a little strange that this practice should have been first followed by a judge sitting in the state of Pennsylvania, who, immediately preceding his appointment to the federal bench, had for ten years been a judge of the state court of common pleas, Pennsylvania being one of the states in which a belief in the illegality of a waiver of jury trial at common law has been most

procedure was acceptable to all concerned is shown not only by the frequency with which it was followed, but likewise by the fact that it was not attacked in the appellate courts.

In this district, of course, the sole effect of the Patton decision²⁴ has been to enable the court and the United States attorney's office to breathe a little more freely while following out their old practice. "Today," writes Judge Johnson, "at least 90 per cent of all our criminal cases [in this district] are tried to the court without a jury by . . . agreement of counsel. The court does not urge or even encourage this . . . but the lawyers desire to try their criminal cases in this way. . . . In difficult and serious cases I much prefer to have a jury dispose of the facts than to dispose of them myself."²⁵ Nevertheless, the fact remains that trial by jury, in felony as well as misdemeanor cases, now occupies a very secondary place in this jurisdiction.

Outside of the Middle District of Pennsylvania, there appear to be few instances in which the practice of trial by judge alone has as yet struck root, and none in which it has gained such a preëminent position. From Philadelphia comes word that "we have never had in this district a waiver of the right to a jury in any criminal case,"²⁶ which is duplicated in letters from federal courts sitting in the states of Arizona,²⁷ Connecticut,²⁸ Illinois (Northern District),²⁹ Maine,³⁰

constantly respected. See *Commonwealth v. Hall* (1928), 219 Pa. 341, 140 A. 626, where Mr. Chief Justice Moschzisker, who was unusually well informed upon trial courts in general, and jury trial in particular, stated (p. 354) that the case at bar appeared to be the first instance where a Pennsylvania judge, on a plea of not guilty, had undertaken to try an indictable offense without a jury. Had the practice first arisen in Maryland, it would have been less surprising. See the article by Mr. Chief Justice Bond, *op. cit.*, *supra* note 4.

²⁴ *Op. cit.*, *supra* note 2.

²⁵ *Op. cit.*, *supra* note 23.

²⁶ Letter from Judge O. B. Dickinson, Eastern District of Pennsylvania, dated May 25, 1931.

²⁷ "We have, however, had a few cases in which the defendant has stipulated to be tried by a jury of less than twelve, but those cases are rare indeed. This applies both to felony and misdemeanor actions." Letter from Judge F. C. Jacobs, dated May 22, 1931.

²⁸ "During my eighteen years' experience on the bench I do not recall any case where the defendant in a criminal action waived a jury. That procedure is common in Connecticut state courts, but it has never been adopted in this federal district. This is true of both felony and misdemeanor prosecutions." Letter from Judge Edwin S. Thomas, dated May 25, 1931.

Massachusetts,³¹ Minnesota,³² Nebraska,³³ New Jersey,³⁴ New York (Eastern and Southern Districts),³⁵ North Carolina (Middle District),³⁶ Ohio (Northern District),³⁷ Rhode Island,³⁸ South Dakota,³⁹ Washington (Eastern District),⁴⁰ West Virginia (Northern District),⁴¹

³⁰ Judge George A. Carpenter, states that he "never accepts a waiver of a jury in a criminal case." Letter dated May 20, 1931.

³¹ "We have had no such trials here either before or since the [Patton case], and I think we are not likely to have many. They [the defendants] rather think the jury is their only hope. Even in misdemeanor cases, they go to a jury, so you can put this district down as being strong for the jury trial so far as defendants in criminal cases are concerned." Letter from Judge John A. Peters, dated May 25, 1931.

³² "I have been a judge of the federal district court for Massachusetts for eight years. During that time I have never known a jury trial in a criminal case to have been waived." Letter from Hon. James A. Lowell, dated May 26, 1931.

³³ Hon. William A. Cant, letter dated May 27, 1931. Judge Cant feels that waivers may be expected in the future, "but not many for a considerable time to come."

³⁴ "There has been no instance of a waiver . . . in any criminal case." Letter from Judge Thomas C. Munger, dated May 23, 1931.

³⁵ Judge William Clark states: "In six years' experience I have never known the waiver of jury trials." Judge John B. Avis recalls a recent case where "the defendant's counsel offered to go to trial without a jury, but the United States attorney objected, and the case was submitted to a jury." Letters dated May 25, 1931.

³⁶ Hon. Grover M. Moscowitz, Eastern District of New York, states: "No non-jury trials, either felonies or misdemeanors, have been tried before me, or any other judge of the court so far as I have known." Letter dated May 18, 1931. Judge Boncy, New York City, writes to the same effect, concerning the Southern District. Letter dated May 22, 1931.

³⁷ Judge Johnson J. Haynes states that in prosecutions growing out of the prohibition law, the Mann Act, and the Dyer Act, defendants frequently offer to try the case to the court, but since he believes that "where the facts are in dispute the jury should determine the matter" such offers are rejected. Letter dated May 25, 1931.

³⁸ "We have had no requests for waivers of juries in the trials of criminal cases." Letter from Mr. Lawrence Lennon, secretary to the judges, Northern District of Ohio, dated May 27, 1931.

³⁹ No offers to waive juries have been made. Letter from Miss Alice E. Richards, secretary to Judge Letts, dated May 25, 1931.

⁴⁰ "I am aware of the decision [Patton v. U.S.] that you refer to, but not a single defendant has taken advantage of that privilege in this district." Letter from Judge James D. Elliott, dated May 25, 1931.

⁴¹ "I am familiar with Patton v. United States, decided in April, 1930, but notwithstanding this decision, no criminal cases, either felonies or misdemeanors, in

and Wisconsin (Eastern District).⁴² Hon. Frank H. Kerrigan, district judge for the Northern District of California, writes that "there have been but two . . . criminal cases tried in this district wherein a jury trial was waived. . . . Needless to say, the proportion of these cases to the total number of criminal cases tried is negligible."⁴³ In the Northern District of Texas, juries are waived in two or three cases per term, but these are generally misdemeanor rather than felony actions.⁴⁴ However, in the Southern District of California,⁴⁵ the District of Maryland,⁴⁶ and the Western District of North Carolina,⁴⁷ the non-jury trial

my district, are tried to the court without a jury. I do not feel that under the Patton case the trial of criminal cases without a jury is to be pursued as a practice. I think the rule is intended to be applied with circumspection in special circumstances." Letter from Judge J. Stanley Webster, dated June 10, 1931.

"I have had no such waiver either in felony or misdemeanor cases in my court. About 98 per cent of the criminal cases instituted in this court are on confessions. The others are tried by jury." Letter from Judge W. E. Baker, dated May 19, 1931.

⁴² Letter from Judge F. A. Geiger, dated May 18, 1931.

⁴³ Letter dated May 22, 1931. His statement that "in both the state courts and the United States district courts in California it has never become customary to waive a jury trial in criminal cases amounting to a felony" would seem to show that he is not aware of recent developments. See *supra* note 14 and *infra* note 45.

⁴⁴ Letter from Judge William H. Atwell, dated May 18, 1931.

⁴⁵ Hon. Samuel W. McNabb, United States attorney for the district, estimates that since the decision of the Patton case, juries have been waived in approximately 25 per cent of all contested cases. He adds: "There are no special types of cases in which waivers have been particularly noticeable, nor is there any particular difference with regard to felony or misdemeanor actions. In our courts, however, a large percentage of the cases coming on for trial are felony cases." Letter dated June 12, 1931.

⁴⁶ "Since April 14, 1930 [the date of the Patton case] . . . the records of this court disclose that 16 defendants have elected to waive a jury. These were all cases under the national prohibition act, seven of them being brought under provisions of that act relating to offenses which constituted misdemeanors, and nine under provisions constituting felonies." Letter from Judge William C. Coleman dated May 19, 1931. In view of the practice in the state courts, one would have expected a much larger number of non-jury trials. See *supra* note 7.

⁴⁷ "I estimate that during the past two years in my jurisdiction 85 to 90 per cent of the cases tried in my court were disposed of on pleas of guilty. Five to ten per cent of the other cases are submitted to me to pass upon the evidence . . . and not over five per cent are contested before a jury." Letter from Judge Edwin Yates Webb, dated May 28, 1931. Prior to the Patton case, non-jury trials were secured through an agreement to plead guilty if the judge found that the evi-

has taken definite root, and has already shown signs of becoming, in time, the rule rather than the exception.

In the District of Columbia, to which the rule of the Patton case⁴⁸ would seem equally applicable, "there have been only four felony cases out of approximately two hundred set down for trial (during the current court year, which began in October, 1930) in which the defendant has waived a jury and stood trial before the court."⁴⁹ None of the cases was important, and only one of the five defendants involved was convicted.⁵⁰ The practice of waiving a jury in misdemeanor cases is of long standing in the District of Columbia, having been sanctioned by act of Congress since 1892.⁵¹

Of course it is true that "the time which has elapsed since the announcement of the decision in *Patton v. United States* . . .⁵² has not been sufficiently long to develop the possibilities which that decision carries with it."⁵³ Judge Atwell feels that "the bar is generally of the opinion—I mean those gentlemen who practice criminal law—that a jury cannot be waived in a felony case. They do not appear to be generally aware of the Patton case."⁵⁴ In the course of time, as the practice becomes less novel and the antipathy of the Federal bench toward accepting the additional duties involved decreases in intensity,⁵⁵ it is to be expected that it will be more generally utilized. But

dence sustained the charge. Otherwise, the district attorney agreed to *nol. pros.* the case. Such a procedure is in use today in many jurisdictions where a waiver is illegal. In some courts, including the Municipal Court of Milwaukee, even legitimate pleas of guilty are handled in this manner, as experience has shown that occasionally defendants plead guilty of charges of which they are innocent.

⁴⁸ *Op. cit.*, *supra* note 2.

⁴⁹ Letter from Hon. Leo A. Rover, United States attorney, District of Columbia, dated May 27, 1931.

⁵⁰ *Ibid.*

⁵¹ *Code of the District of Columbia* 1929, Title 18, § 165, p. 167, sustained in *Belt v. United States* (1894), 4 App. D.C. 25, 22 Wash. Law Rep. 447. The Supreme Court refusing to review the case, *In re Belt* (1895), 159 U.S. 95, 15 S. Ct. 987, the decision of the Court of Appeals of the District has stood unchallenged since that date. See the article cited *supra* note 2.

⁵² *Op. cit.*, *supra* note 2.

⁵³ *Op. cit.*, *supra* note 32.

⁵⁴ *Op. cit.*, *supra* note 44. And see *supra* note 2.

⁵⁵ The wide scope and intensity of this feeling is evident from the general tenor of the letters received. Few question the legality of waiver under the Patton case (*op. cit.*, *supra* note 2), but many apparently doubt the desirability of the practice as applied to their court.

any belief that the present lack of waivers is due entirely, or even largely, to the newness of the rule should be rudely dispelled by the experiences of Washington,⁵⁶ Oklahoma,⁵⁷ and Rhode Island.⁵⁸ What doubt remains should be disposed of by the experiences of Alabama and Delaware in misdemeanor prosecutions. In the former state, a jury may be had only if the defendant, in advance of trial *demands* it.⁵⁹ Such a demand is almost always made; in fact, "it is a rare thing, practically unknown, for a defendant to consent to trial by the court without a jury."⁶⁰ And in Delaware, although the statutes authorize a defendant in a misdemeanor case to waive a jury and have his case tried to a bench of from one to three judges,⁶¹ the attorney-general estimates that this is done in "less than one per cent" of the cases.⁶²

*Types of Cases where a Jury is Waived.*⁶³ Few definite tendencies to waive a jury in particular types of cases, while refraining from doing so in others, are discernible. The most that can be said is that in certain "morals" actions, more particularly offenses against women and young girls, and, in some jurisdictions, liquor cases, defendants appear anxious to evade a jury. In other jurisdictions, the situation is the reverse, defense counsel apparently feeling that their greatest chance of success lies with the "twelve good men and true" in the jury box. Thus in the District of Columbia, in misdemeanor actions, 95 per cent of all prohibition and gaming prosecutions are tried by jury, the defendants waiving a jury in only one case in twenty; for the balance of the offenses the proportion is just the reverse.⁶⁴ Obviously, the controlling factors are not so much the particular charge or the possible penalty involved, but rather what defense counsel considers "good psychology" in the case at hand. The former are important only in so far as they influence the latter. And "good psychology" involves the matter of personalities, including those of the judge, the probable jurors, and the lawyers themselves.

⁵⁶ *Op. cit.*, *supra* note 10.

⁵⁷ *Op. cit.*, *supra* note 9.

⁵⁸ *Op. cit.*, *supra* note 19.

⁵⁹ *Code* 1923, s. 4647. Of course a different rule prevails as to "petty offenses."

⁶⁰ Letter from Hon. Walter B. Jones, Montgomery, Alabama, dated April 28, 1931. Judge Jones is speaking of the general practice in the entire state.

⁶¹ *Laws*, 1927, c. 233 S.L.

⁶² Letter from Attorney-General Reuben Satterthwaite, Jr., dated May 14, 1931.

⁶³ Because of requests from many who furnished information for this section, fewer statements as to sources are given.

⁶⁴ *Op. cit.*, *supra* note 49.

If the defense is technical, or involves fine-spun distinctions between "fact" and "law,"⁶⁵ and more particularly if the evidence is limited and none too clear, there seems to be a tendency to regard the trained mind of the judge as more certain to render a favorable verdict than would be true should the case go to a jury. On the contrary, where counsel is pretty certain of his client's guilt, but has a few misleading incidents, he prefers a jury, figuring that he may get one or two to go off on a tangent and thus get a compromise verdict, if not an acquittal or a hung jury.

Two of the four instances of felony waivers in the District of Columbia⁶⁶ are cases in point. In one case, two defendants were accused of grand larceny. Both had rather lengthy records, but wished to take the stand in their own defense. Feeling that the prosecution's case was not a strong one, but that their chances of acquittal might be jeopardized the moment the jury was informed, on cross examination, of their prior convictions, their attorney chose to try the case to the court. Subsequently, one was convicted and the other acquitted. The second instance was a narcotics action in which the prosecution had a strong case, the principal defense being that most of the evidence had been secured through an illegal search, and hence was inadmissible. Doubting that ability of a jury to overlook such evidence once it had been brought to its attention—and it is extremely difficult to prevent all (legally speaking) irrelevant facts from reaching the ears of the jury—counsel chose to present the case to the court, and, winning his point, secured the acquittal of his client.

The latter case illustrates one of the least satisfactory features of our present rules of procedure—and a possible solution. "Instructions" from the judge to "disregard" the facts are no solution at all. It takes a mind "learned in the law," and understanding, or at least believing to understand, "the reason of the rule," to apply it in all its pristine purity.

Another element that tends to influence the choice of a non-jury trial is the fear of the effect of popular feeling upon the minds of the jurors in certain types of cases of a revolting nature. This is particularly true where the defendant's past record is not of the highest.

"The existence of a jury makes of the distinction between law and facts an essential principle of the procedure, while one of the main features of the common law is precisely its failure to distinguish facts and law!" Pierre Lepaulle, "Jury, Democracy, and Efficiency," *Forum*, July, 1928, p. 52.

⁶⁵ *Op. cit.*, *supra* note 49.

Justice often demands that we "protect those coming into court from the heart, the nerves, the obscure instincts and passions of the crowd and the mob. . . . It requires not only great intelligence and character, but also professional training, to resist the pressure of public opinion and judge a case on the actual evidence."⁶⁷ The judge, not alone because of this training, but likewise because of this less sentimental attitude, may come closer to doing this than would the laymen on the jury. Trained to detect the weak links in a chain of circumstantial evidence, to look beyond mere race prejudice to the actual *fait accompli*, and bound by the code of ethics of his profession, he may often be the one beacon of hope in a sea of despair. But let us not wax too eloquent on the subject! The present writer has just visited a locality where "trial by newspaper" is as common in a non-jury as in a jury trial; where the judge banks upon sensationalism as his greatest friend; and where assignment to the criminal branch is looked upon as a no less sure stepping stone to higher offices "in the gift of the people" than are positions in the office of the prosecuting attorney.

Like many another question, that of the effect of delay upon the waiver of jury trial has at least two sides. Many federal judges doubt that any general practice of waiver can develop while their courts are as hopelessly swamped with litigation as they are at the present time. As long as over eight-ninths of all convictions in prohibition cases are on pleas of guilty—a large proportion of them entered on "bargain days"⁶⁸—this doubt would seem to be well founded. Since the prosecution cannot possibly press for trial more than a very small percentage of the cases where the defendant stands upon his right to be considered innocent until convicted "in due course of law," it would seem to be the height of irrationality to exchange the advantages of the bargain sale of sentences for those of the non-jury trial. On the other hand, the poor litigant who is unable to make bail, and must stay in jail to await a trial by jury, is more apt to prefer a prompt trial before the judge alone.

Benefits and Detriments of Waiver: To the State. Aside from the possibility of more accurate decisions, at least in certain types of cases or under certain sets of circumstances, the non-jury trial has

⁶⁷ *Op. cit.*, *supra* note 65, at pp. 50, 53.

⁶⁸ National Commission on Law Observance and Enforcement, Report on the Enforcement of the Prohibition Laws of the United States (1931), 71st Congress, 3rd. Session, House Document No. 722, p. 56.

certain definite advantages as a time and money saver, and as a restorative of more business-like methods in criminal trials. Chief Justice Bond estimates that in Maryland the non-jury trial of a given case requires not more than a third of the time which would be required to try the same case with a jury,³⁹ and the experiences of other jurisdictions appear to support this as a general rule. In many instances a case could have been tried and disposed of by a judge in less time than it has taken to impanel the jury. The financial saving, in view of the fact that a jury trial costs the state, speaking conservatively, in the neighborhood of from \$150 to \$200 per day⁷⁰—and for a short day—is evident. But one may question the argument of dollars and cents when applied to felony trials. If economy be our object, we might better start with the civil jury. At least in the field of criminal law, the true advantages of speedier justice lie elsewhere.

Of as great importance as the saving in time is the greater security against error, and consequently the greater certainty of finality. Non-jury trials are less technical, more business-like, and surer footed. "Appoint a keen, critical, and trained mind to pass upon the facts and you will eliminate more worthless material than by all the rules of evidence;"⁷¹ for lawyers do not like to make fools of themselves. That paradox of legal science, the judge's charge to the jury, is, of legal necessity, often prepared to pass muster before an appellate court rather than to enlighten the jury. Even so, error creeps in; and the concomitant of error is further litigation, and possibly a new trial. Not the least of the advantages of the non-jury trial is the elimination of a new trial.

In short, "If more speedy, less costly, and more dignified trials, arriving at more accurate results, are a desirable goal in the administration of justice, then the trial of criminal cases without a jury," the defendant willing, is a step in the right direction.⁷² If it be alleged that this places too great a burden upon the shoulders of the judge, it is replied that the burden is placed where it logically belongs. If in certain types of cases it be too great a burden for a single man, then why not copy the Maryland practice, as old as the state itself, of giving him the moral and mental support of one or two of his colleagues?

³⁹ *Op. cit.*, *supra* note 4.

⁷⁰ The Judicial Council of Rhode Island sets the figure at \$135 for the principal trial courts of that state. *First Report* (1927), p. 10.

⁷¹ *Op. cit.*, *supra* note 65, at p. 53.

⁷² Massachusetts Judicial Council, *Third Report* (1927), p. 112.

Although but little evidence is available, such statistics as exist would seem to indicate that the extensive use of the non-jury trial tends to increase the proportion of actual trials at the expense of the *nolle prosequi* and the "bargain" plea of guilty. In Milwaukee, where over 85 per cent of all felony trials are by a judge alone, only two per cent of the pleas of guilty are of an offense other than that charged in the original indictment or information.⁷³ In Chicago, however, during the period when all trials were by jury, 72 per cent of such pleas were of a lesser offense.⁷⁴ Although it was impossible to isolate the contributing factors, those who conducted the Illinois Crime Survey were led to believe that the method of trial was of controlling importance.⁷⁵ Professor Moley has found such a tendency at work in other jurisdictions, notably Connecticut.⁷⁶ Further data, however, is necessary before reliable conclusions can be drawn.

Benefits and Detriments of Waiver: To the Accused. This question has already been largely answered in our consideration of the causes of waiver. Suffice it to say that there are cases where it is a positive injustice to deny the defendant the right to waive a jury; where the right to refuse to be "tried by one's country" is as valuable a right as that to trial by jury itself. These facts would seem to invalidate much of the *dicta* of the reports that such a procedure is "contrary to public policy," and "cannot be tolerated," and to relegate them to the category of Lord Coke's equally famous *dictum* that the common law forced the defendant to stand mute before the altar of justice, like the lamb before the altar of its God, without counsel, without process to secure witnesses in his favor, because of "that tenderness and humanity to prisoners, for which our English laws are justly famous;"⁷⁷ or that equally absurd statement by his illustrious compatriot, Sir William Blackstone, that the common law condemned women to be burned alive at the stake because English gallantry could not bear to see them maimed and exposed to the public view upon the common gallows.⁷⁸

On one point, however, a protest must be recorded. However valuable the right to waive a jury trial may be, to bring pressure to bear

⁷³ *Illinois Crime Survey* (1929), p. 103.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*, pp. 16, 102.

⁷⁶ *Op. cit.*, *supra* note 1, at p. 191.

⁷⁷ *Coke's Littleton*, s. 1566.

⁷⁸ *Blackstone's Commentaries*, Bk. IV, p. 93.

to force a defendant to exercise that privilege is to convert it from a right to a weapon of abuse. It should not be necessary to bargain with the prosecuting attorney or accept trial by the court in order to secure a prompt disposition of one's case. It would seem that a people who have elevated the language of the Great Charter, "to no man will I deny justice, to no man will I delay it," to the position of a constitutional mandate should ponder well the condition of the docket of many of our criminal courts. No man should be denied equality before the law because he cannot put up bond. However, *other things being equal*, the waiver of jury trial by others should increase the speed of the wheels of justice and decrease the waiting period for those who are thus unfortunate.

J. A. C. GRANT.

University of California at Los Angeles.

RURAL LOCAL GOVERNMENT

EDITED BY THOMAS H. REED

University of Michigan

State Centralization in North Carolina. In recent years, two pronounced tendencies have been manifest in the relation of the states to the local governments. One has been increased state aid for the support of functions which have hitherto been recognized as local functions, particularly roads and schools. These enlarged state grants have been made partly to relieve the burden of local taxation, partly in recognition of a larger responsibility on the part of the state, and partly to stimulate a higher quality of service. In order to insure the realization of the last-mentioned purpose, the aid has usually been conditioned on the fulfillment of certain minimum requirements.

The second tendency has been for the state to assume closer supervision over the finances of local government. This greater solicitude on the part of the state in respect to local finances has sprung from a number of reasons, two of which are the tremendous increase in the size of local funds since the beginning of the road-building era and the frequent misuse of the debt-incurring privilege.

Both of these tendencies have been manifest in North Carolina, but the state has now suddenly abandoned conditioned state aid as a policy and taken over, in a large measure, the functions themselves. In respect to local finances, it has tightened its control. In other words, it has adopted a policy of state centralization that has not been equaled by any American state, except probably North Dakota during the administration of the Non-Partisan League. It is the purpose of this article to trace briefly the developments which have been taking place in North Carolina, and which have culminated in a policy that some outsiders view with alarm and others as an interesting and timely experiment.

State Control Over Local Finances. For several years, North Carolina has been working toward improved county government. Its greatest efforts have been in the direction of better fiscal control. Rapidly mounting expenditures demand better bookkeeping and greater financial safeguards than have generally prevailed. Thus, prior to 1927 several counties had, through special acts of the legislature, secured county

auditors. A few had installed budgetary control, and several had abolished the office of county treasurer and appointed banks as fiscal agents. In a majority of the counties, however, the crudest kind of bookkeeping prevailed and losses through lax financial practices were common. Consequently, the General Assembly of 1927 enacted legislation which required every county to appoint a county accountant and to operate on a budget basis. Other legislation imposed rigid restrictions on the amount and character of further bond issues. Finally, there was created a county government advisory commission, staffed with trained accountants, to inform county officials about the laws and, upon request, assist a county with its bookkeeping or administration.

As a result of these new aids and safeguards, there was remarkable improvement in county administration and financial practice, and the demands on the advisory commission were greater than could be filled. Nevertheless, there were some counties which ignored the provisions of the law or obeyed them in letter but not in spirit. It is possible that by enlarging the staff of the advisory commission this unique and highly commendable agency could eventually have nurtured the counties into a state of financial health. But the legislature of 1931 was in a mood for drastic action.

•Therefore it abolished the county government advisory commission and created a more powerful agency known as the local government finance commission. The state auditor, state treasurer, and commissioner of revenue are members *ex officio*. The remaining six members are appointed by the governor and hold office at his pleasure. One of the appointed members is designated by the governor as director of local government. The director acts as secretary of the commission, but has many independent functions and powers.

Under the provisions of the act, no bond or note of a municipality, county, or other political subdivision is valid unless approved by the commission. Neither may the commission approve any bond or note until it is satisfied that the issue is necessary or expedient, and that the amount proposed is adequate and not excessive. Furthermore, in all cases except those involving funding or refunding bonds, the commission's approval must be withheld until it is satisfied that adequate sinking funds have been, and will continue to be, maintained, that the political unit is not in default in the payment of the principal or interest on any of its indebtedness, that the new issue will not involve an unduly burdensome increase in taxation, that the unit is complying

with the law in respect to budgetary control, and that at least eighty per cent of the general taxes of the unit for the preceding fiscal year have been collected. The commission is required, on request, to grant a public hearing on applications for approval of bonds and notes. If it refuses to approve, bonds cannot be issued except after a favorable vote at an election.

All bonds and notes must be sold by the commission in Raleigh, unless exchanged by the state treasurer for outstanding indebtedness. The securities are delivered to the purchaser by the state treasurer, who receives the proceeds and remits to the proper authorities. All sales must be duly advertised and the award given to the highest bidder, interest rate being considered. Sealed bids are required and auctions are prohibited.

The director of the commission is required to keep himself informed as to the condition of local sinking funds, including their amount, their investment, the security given for their safekeeping, and the rate of tax necessary to maintain them. Sinking funds may be invested only with the approval of the commission, and only in specified securities.

Another drastic feature of the act is the provision that in case any unit defaults in the payment of a debt obligation, the director may appoint an administrator of finance for the unit to take full charge of tax collections and the custody and disbursement of all funds, unless the director should limit his duties in this respect. To prevent defaults, the director is required to mail each officer having any duties in connection with levying taxes, at least thirty days before the time for fixing the levy, a statement of the tax that must be levied for debt service; and at least thirty days before any debt obligation, principal or interest, is payable, the director must mail the disbursing officer a statement of the amount payable and the designated place of payment.

The assumption by the state of absolute control over local finances, in so far as they affect the creation or liquidation of debt, is probably unprecedented. It very definitely subordinates the counties and cities. It is a blow to local self-government. This extreme centralization of fiscal control was not provided, however, without cause. The counties and special districts of the state have an aggregate debt of \$210,000,000. The cities have an additional debt of \$166,000,000. In many cases, the public debt of a taxing unit exceeds twenty per cent of its total

assessed value. For the next ten years, the tax levy for debt service will in most units need to be heavy. Many units have been showing a disposition to levy insufficient taxes to meet necessary expenditures. Some have defaulted in the payment of debt obligations, but more have offset the payment of debt with the creation of new debt. Some have used the assets of sinking funds to meet current expenses. Even more sinister has been the misuse of public funds, particularly to bolster up shaky banks. Several million dollars of public funds have been lost as a result of bank failures within the last two years. It was these conditions that caused the passage of the legislation described above with hardly a dissenting voice. The taxpayers of the state are willing at the moment to sacrifice home rule in return for security and tax relief. The state administration, in turn, believes that the relief which it has granted in road and school taxation, to be described presently, warrants its insistence on a steady and fairly rapid reduction of the public debt. It is determined that there shall be no defaulting, and that the credit of the state shall remain unblemished.

Evolution of County Managers. Along with improved fiscal control, North Carolina has been endeavoring to improve the quality of county administration. The effort has been primarily to provide a whole-time officer with knowledge of all departments of county government, and with power to bring about at least some degree of coordination. In some instances, a county auditor, serving also as clerk or agent of the board, has met this need fairly well. Quite frequently the auditor has been given additional duties, such as those of purchasing agent and tax supervisor. Other counties have employed the chairman of the board on a full-time basis, and have given him various administrative duties such as acting as purchasing agent or as road supervisor. A few counties have found it desirable to have both an auditor and a full-time chairman.

In eight or ten instances, this chief administrative officer, evolved from either auditor or chairman of the board, has been designated county manager. While in no case has he been the counterpart of the city manager in powers or scope of duties, he has in some instances been a reasonably strong executive. Two counties had secured chairman-managers prior to 1927 through legislative acts of local application, but in that year the legislature passed an act which permitted any county to adopt a manager plan, of a limited sort, by action of the board of commissioners. Moreover, on petition of five per cent of the

qualified voters, a referendum on the adoption of the manager plan was required to be held; if carried, the appointment of a manager was mandatory. Most of the existing so-called managers were appointed as a result of this enabling legislation, and in no case have the citizens had to take the initiative.

It cannot be claimed that North Carolina's county managers, or pseudo-county managers, have been spectacular successes; nor have they demonstrated conclusively the advantages of the manager plan. That could hardly have been expected, for in no instance has the appointment been made entirely without regard to political considerations, in no instance has the appointee been especially trained for the position, and in no instance has he had ample powers. Despite these limitations, most of the managers have done remarkably well and have demonstrated the possibilities of a thoroughgoing manager system. Interest in county managers in North Carolina has naturally subsided as a result of the extensive transfer of functions from the county to the state; there now remains little for a county manager to do.

The State Takes Over All Roads. During the last ten years, the state has been gradually taking over, reconstructing, and assuming the maintenance of the primary roads, and by the end of 1930 the state highway system included 8,920 miles, 6,000 of which were hard-surfaced. Most of these roads have been constructed or reconstructed entirely at the cost of the state; a limited mileage was built by the counties and taken over later by the state. Until 1929, the revenues from the gasoline tax and automobile licenses were reserved exclusively for the state highway fund, and the proceeds were sufficient to maintain an increasing mileage, meet interest payments on the debt, make ample provision for sinking funds, and leave several million dollars a year for further construction. So insistent, however, was the demand on the part of the counties for a share of motor revenues that in 1929 the legislature increased the gasoline tax from four to five cents a gallon and provided that \$3,000,000 a year (slightly more than the proceeds from the additional cent tax) be apportioned among the counties. The counties were permitted to use this grant for either road maintenance or road debt service. Most of them elected to use it for the latter purpose.

In 1930, a rather exhaustive survey of county roads, road organizations, and road finances was made under the joint auspices of the state tax commission, the state highway commission, and the United

States bureau of public roads. This survey revealed that there were 45,000 miles of road outside the state highway system on which the counties and districts were spending from six to eight million dollars a year, with varied results. Some counties were maintaining their roads in good shape, others wholly inadequately. Some were utilizing convict labor profitably, others at an uncertain cost. Some had suitable road machinery, others lacked adequate equipment. Some had been extravagant in the purchase of machinery. Twenty-six counties had township or district road organizations either in place of or in addition to a county organization. All of the counties had large and generally mounting road debts. The aggregate road debt of the counties and special districts is at least \$100,000,000, and in many cases there is evidence that the proceeds of bond issues have not been expended wisely. At any rate, the survey convinced Governor Gardner that more relief could be given the taxpayers by having the state take over the roads than by increasing state grants to be expended locally. Consequently, the General Assembly of 1931 increased the gasoline tax to six cents a gallon and provided that on July 1 of this year the state should take over, and thereafter maintain, all the roads of the state. An appropriation of \$6,000,000 was made to maintain the 45,000 miles of local roads. All local road districts and road boards are dissolved. The state is taking over, with credit, such road machinery as it can use and permitting the counties to dispose of the rest. The state highway commission is reorganized, all district lines and district representatives being eliminated. The new board has cut the state for administrative purposes into five divisions and twenty-five districts. Within each district there will be as many maintenance outfits as can be kept continuously employed. The construction of new roads and the building and repair of bridges will be delegated to special crews with the proper machinery. It is believed that, on the whole, the local roads can be kept in better condition than they have been kept heretofore, and at lower cost. Whatever the cost, it will be derived entirely from motorists, and not one cent will be levied on property for road purposes, except to liquidate existing road indebtedness.

The State Takes Over Convicts Property taxpayers are being relieved not only of the cost of building and maintaining roads, but also of the cost of supporting their convicts. The road law provides that the state shall take over and employ on the highways all able-bodied male convicts serving sentence of sixty days or more. At present, there

are about 3,700 such prisoners so employed. They will be housed in district camps and used wherever they are needed. The honor system will be invoked as far as proves practicable. The clothing for the prisoners will be made at the state prison (an appropriation was made for a new one), and much of the food will be grown on the state farms or at the district camps. The state is taking over as many of the county camps as can be made suitable for its purposes.

It is obvious that it will not be necessary for each of the state's one hundred counties to maintain a jail to house a few women, old men, and misdemeanants. It will be feasible for several counties to unite in the support of one jail. Twenty-five or thirty new jails have been built in the last ten years, and it is to be hoped that no others need be built. Indeed, it is to be hoped that the end of the county jail is in sight. No one will mourn its passing.

The State to Support Minimum School Term. The North Carolina constitution provides that the "General Assembly . . . shall provide by taxation and otherwise for a general and uniform system of public schools . . . which shall be maintained at least six months in every year." There have always been those who contended that this meant state support of the six-month term, but never until this year has this view prevailed in the legislature. One reason why the state has been reluctant to assume this obligation is the fact that it relinquished the property tax in 1920, and its revenues from other taxes have not been sufficient to assume the cost. It has, however, gradually increased its contribution in the form of an equalization fund. In 1927, the appropriation for this purpose was \$3,250,000, and 90 of the 100 counties participated. In 1929, the appropriation was increased to \$5,250,000, and 94 counties participated. Moreover, an additional appropriation of \$1,250,000 was apportioned to districts which were supporting extended terms (usually two additional months).

A determined effort was made in the recent legislature to secure full state support of the constitutional term (six months), and without resorting to the use of a property tax. However, a compromise measure was adopted by which the state assumes the current expenses of the six-month term, but is permitted to levy a property tax of fifteen cents on \$100 of assessed value. Since the aggregate value of all property is slightly under three billion dollars, the property tax yield will be less than \$4,500,000. The appropriation for the support of the six-month term is \$16,500,000, and the appropriation toward the support of the extended term, \$1,500,000. Thus, school support from other

than property taxes is increased from \$6,500,000 to \$13,500,000. The \$7,000,000 of additional revenue is to be raised from increased income, franchise, and business taxes.

This legislation is significant both because it represents a decided shift from property to other forms of taxation, and because it is a pronounced step toward centralization. For the operation of the minimum school term, the state becomes the unit of administration. Every teacher, janitor, and truck driver becomes an employee of the state. All supplies are to be purchased by the state central purchasing agency, also a creation of the 1931 legislature. All remaining one- and two-teacher schools are to be consolidated into larger ones as soon as possible, the state highway department being instructed to give special attention to the improvement of highways over which school buses operate.

It should be pointed out that school districts and school boards are not abolished by this act. The counties or districts are still responsible for the cost of constructing and repairing school buildings, the liquidation of school debt, and most of the support of terms in excess of six months. These items will require aggregate levies of not less than \$14,000,000 a year, and more if the state insists on the prompt completion of the consolidation programs. For the next year or two, however, the state will be bearing about fifty-six per cent of the cost of the schools, and forty-two per cent from other than property taxes.

The Explanation. It has been the purpose of this article to review the developments which are taking place in North Carolina, and it is not its purpose either to justify or to condemn the legislation which has been enacted. It must be admitted, however, that the extreme state centralization has occasioned surprise, even alarm, in other states. North Carolina people seem neither surprised nor alarmed; they have become used to revolutionary changes; they are not afraid of experiments. Probably, however, the chief explanation for the measures which have been adopted and the readiness with which they have been accepted lies in two facts: (1) the people want tax relief, and they are willing to resort to extreme measures to secure it; (2) in recent years the state has had several excellent governors, and the people have confidence in the state government. At the same time, there have been so many scandals in local government that confidence in local self-government has been shaken.

PAUL W. WAGER.

University of North Carolina.

State Supervision of Local Fiscal Officers in Virginia. One of the achievements of the brilliant administration of Harry F. Byrd was the segregation of the sources of revenue. The governor was quite sincere and enthusiastic in his support of this principle, believing, it seemed, that it was the panacea for a great many of our tax troubles. His exuberant enthusiasm caused him to make an error, many believe, when he had written into the rather inflexible constitution of the commonwealth the provision that no state tax shall be levied on real estate and tangible personal property. The state, therefore, no longer has any interest in this kind of property, and its supervision over local fiscal officers extends only so far as they are agents of the state, assessing and collecting the state's revenue.

Each county and city has a local commissioner of the revenue, elected by the people, who assesses for the state intangible personal property, individual incomes, and money and capital, and who assesses for the local government tangible personal property, machinery and tools, and merchants' capital. The state tax commissioner¹ has forms printed and sent to each local commissioner on which all the items mentioned above are supposed to be listed at their fair market value by the taxpayer.² Mr. Morrisett, the present state tax commissioner, has inaugurated a plan of holding annual conventions of commissioners of the revenue where the problem of assessment and the complications of the state tax code are discussed.

While the county and city have complete local autonomy in regard to those objects set aside for local taxation, they are still the mere agents of the state as regards the assessment of those sources of revenue segregated for state taxation. For this reason, the state tax commissioner appoints an examiner of records for each judicial circuit, who, as his title indicates, examines the records of local commissioners of the revenue with special reference to those items in which the state is

¹ The reorganization act of 1927 set up a department of taxation, with a state tax commissioner appointed by the governor as executive head of the department. The act also established a department of finance with four divisions; namely, accounts and control, treasury, purchasing and printing, and motor vehicles, each division head being responsible to the governor.

² The general practice of undervaluing property for the purpose of taxation has resulted in inequality of taxation, and also seriously handicaps some communities in carrying out needed improvements, because the state constitution limits the borrowing power of the city and towns to eighteen per cent of the assessed value of taxable real estate.

interested. If he finds or believes that the returns on intangibles and incomes are not properly made, he can summon the taxpayer to appear and to answer questions touching the ownership of such property.

The tax code of Virginia allows the state tax commissioner to have the salary of the local commissioners withheld in case of neglect of duty or failure to make the required reports. Furthermore, the tax code allows the state commissioner to report to the circuit court any incapacity, misconduct, or negligence of local commissioners. Presumably this provision allows ouster proceedings, but no case like this has come up in Virginia. Neither has there been any case where salary has been withheld.

Each county and city has a local treasurer, elected by the people, who collects local revenue and is used by the state to collect the state's revenue that comes from the capitation tax, intangible personal property, individual incomes, and money and capital. The collection of the state's revenue is under the general supervision of the state comptroller, who is the head of the division of accounts and control in the department of finance. The state's income collected by the local treasurer is sent to the comptroller, who deposits it to the credit of the state treasurer in approved depositories.³

Finally, we see that the state has tried to extend its auditing service to the one hundred counties of the commonwealth. The state has a special interest, of course, in the proper collection and accounting for its revenue. The auditor of public accounts, who is elected by the General Assembly, audits the books of local treasurers. This state audit has been handicapped by an insufficient number of auditors. But strong effort is now being exerted to overcome this handicap, because recent audits of the accounts of local fiscal officers have revealed the absolute necessity for an effective supervision of this kind.

Audits by the state auditor have revealed an amazing lack of system in the keeping of local accounts and an alarming number of defaulting county treasurers. Mr. Andrews, the state auditor, stated on March 20, before the commission on county government, that the records of many Virginia counties are so poorly kept and the methods of book-

³ The state finance board, composed of the comptroller, the state treasurer, and the governor, select these depositories. The state's money is distributed among one hundred ninety banks scattered over the commonwealth. Prior to the reorganization act of 1927, there were forty-eight collecting and disbursing agencies with their own accounts.

keeping so antiquated that his office frequently has to perform the double function of bookkeeping and auditing.

The state auditor's audit for the past five years has shown that thirty-nine of the one hundred Virginia county treasurers were short in their accounts. Ten of these cases resulted in the removal of the defaulting treasurer. However, the county treasurer is so strongly entrenched in the politics of the county that there has not been a single case of prosecution. On the other hand, in at least two instances, the removed treasurer was reelected to a county office.

It should be stated, however, in fairness to these county officers, that a shortage does not necessarily mean a criminally-minded county treasurer bent on embezzling public funds. A shortage may mean in many instances a good-natured treasurer who, in order to help out a neighbor, holds out his tax ticket or marks it paid, expecting, of course, that it will be paid in the near future. However, it is difficult to distinguish between criminal intent and kind-heartedness, and in some instances removal not only is justified, but is a necessity.

The last instance when this power was exercised was about a year ago, when Governor Pollard removed J. M. Weston, the treasurer of Lee county, whose books showed a default of \$92,000. Weston, however, refused to vacate the office in favor of C. D. Fugate, the governor's appointee; whereupon the latter asked the supreme court of appeals for a writ of mandamus to force Weston to turn over the records of the office.

On March 20, 1931, the supreme court of appeals, by a four to three decision, refused to issue the writ. The decision therefore set aside the section of the code under which the governor had acted,⁴ because the court believed that "the ultimate determination of the existence of cause for the removal of a constitutional officer is essentially a judicial function." In addition to this reason for holding the statute invalid, two of the four justices held that the right to hold an office is a property right which cannot be confiscated without due process or "without judicial hearing after due notice."

The majority opinion reads in part: "It is more important that a fundamental principle of government [the separation of powers]

⁴Sec. 366 gives the governor power to suspend the treasurer of any county on city for failure to perform duties required by law with reference to collection of the revenues of the state or of the county or city. The General Assembly, by joint resolution, can restore to office.

should be preserved than that some guilty office-holder should be removed. To remove a man from office because of embezzlement without giving him a day in court runs counter to those fundamental instincts of fair dealing which lie at the basis of all governments." The majority opinion goes on to say: "It is competent for the legislature to vest in the governor power to suspend from office a delinquent office-holder for cause, but somewhere and at some time before final judgment, it is imperatively necessary that he be given a day in court. The statute in judgment does not do this, but reserves for the legislature to pass upon this executive suspension. But the question as to whether Weston has embezzled funds is a judicial question. This is the basis of his discharge, and on it he is entitled to be heard, and to be heard by a court."

Chief Justice Prentiss wrote a vigorous dissenting opinion. He believed that notice in this case was implied because two official audits had shown Weston's dereliction and he had ample opportunity to disprove their correctness, which he failed to do. The chief justice goes on to say: "The purpose of this statute is to provide a summary remedy to correct public wrongs. It seems to me that this decision is a backward step which denies essential governmental powers and seriously hampers the legislative and executive departments in their effort to provide orderly government."

Experience in Virginia, therefore, seems to show that the counties in particular cannot be turned loose to enjoy complete autonomy or home rule in regard to fiscal affairs. The rather inefficient state supervision sketched above shows conditions that border almost on chaos. In the first place, experience shows that instead of relinquishing state supervision over the assessment of property for the purpose of taxation, this supervision should be strengthened. Instead of popular election, the local commissioners of the revenue should be nominated by the state tax commissioner and appointed by the county board of supervisors or the county manager in those counties that have such officers. The state tax commissioner should be given the power, by a constitutional amendment if necessary, to remove commissioners of the revenue for proper cause.

"Not in recent years has the cause of good government in Virginia received a more decided setback," is the way that a distinguished Virginia editor describes the effect of the decision in the Weston case. A constitutional amendment will remedy the damage done by this case;

that is, if a summary remedy is wanted to correct public wrongs. Otherwise, summary action will be retarded by the "customary delays incident to judicial action." The people of the commonwealth, no doubt, are now aware of the need of an effective state audit over local officers who handle public money, and there will be no trouble at the next meeting of the General Assembly in securing an appropriation that will allow an increase in the state's auditing staff sufficient for this purpose.

A thorough supervision of local accounts will also assist the rural local governments to comply with the mandatory act of the General Assembly of 1926 which requires every county and city to prepare a budget. In 1927, the state generously extended its budget-making facilities to the local governments, and, complying with this law, Mr. Bradford, director of the division of the budget, had budget forms printed and sent to the county boards of supervisors. But only one Virginia county in five has been able to comply properly with the law, because of poor accounting methods and lack of an officer qualified to do the rather tedious and technical work of preparing budgets.

JAMES E. PATE.

College of William and Mary.

County Managerial Tendencies in Missouri.¹ During recent years, the county manager plan has been growing steadily in popularity. This is shown by the literature on the subject, and, to a lesser degree, by the adoption of the system in a number of counties. Where the plan has been tried, the duties of manager have generally been conferred upon some existing county officer. In North Carolina and Virginia, for instance, different counties have experimented with (1) a member of the county board, generally the chairman, as manager, (2) a financial clerk, auditor, or accountant as manager, and (3) an engineer-manager.² While the duties of the office have varied somewhat in the different types, each conforms in certain essential principles to the plan as outlined in the "model county manager law."³

In Missouri, the presiding judge of the county court, the county clerk, and the highway engineer correspond to the above officers; and should the state adopt a county-manager law, the duties of manager

¹ Based on a study of thirty-three rural counties.

² Wylie Kilpatrick, *County Management* (Charlottesville, Va., 1929); Paul W. Wager and Howard P. Jones, "Signs of Progress in County Government," *Nat. Munic. Rev.*, Aug., 1930.

³ Supplement, *Nat. Munic. Rev.*, Aug., 1930.

would probably be conferred upon one of these three officials. In fact, first-hand information secured in 1929 by interviewing county officials in thirty-three of the 114 counties, attending sessions of the county court, and studying official records shows that the county clerk and highway engineer have already, in some instances, developed general executive powers of some importance. This is true, for example, in awarding contracts, purchasing supplies, auditing claims, reports, and settlements, and determining the county tax rate. Before discussing these functions, the legal status of the county clerk and the engineer should be explained.

County Clerk. The state constitution provides, in the article on the judicial department, for the popular election of the members and clerk of the county court.⁴ Thus, the clerk's position as secretary of the court is constitutional, and largely beyond legislative control so long as the powers of the court itself remain unchanged. His administrative duties concerning taxation, elections, and miscellaneous matters are conferred by statute, and are therefore subject to legislative control.

In addition to the clerk and three county judges, there are from ten to twelve popularly elected officers in each county.⁵ These officials serve for four years, except the associate county judges and prosecuting attorney, whose terms are two years. The principal functions of the other elective officers are prescribed by statute, placing them beyond effective supervision and control of the county court. Needless to say, this decentralization in county government places the county clerk, in relation to the court and other elective officials, in a very different position from that of a county manager. Those clerks who exercise certain managerial powers are therefore acting extra-legally, though with the consent of the county court and the acquiescence of the other officials.

⁴ *Constitution* (1875), VI, 36 and 39. The county court is primarily an administrative and supervisory body, its functions corresponding to those of the county board of commissioners or supervisors in other states. Its name is a hold-over from earlier days when the court also exercised important judicial functions. It is composed of three members: a presiding judge elected from the county at large for four years, and two associate judges elected from districts for two years. The president, however, has little more authority than an associate member. Eighty-nine per cent of the county judges in the thirty-three counties visited were farmers or retired farmers.

⁵ *R. S. Mo.* (1919), Secs. 293, 729, 2110, 1547, 2569, 5916, 9528, 9597, 10,560, 11,344, 11,629, 12,709, 12,759, and 12,875.

County Highway Engineer. Except in those counties where the county highway engineer law has been suspended,⁶ the legal status of the engineer is quite different from that of the county clerk. The engineer is appointed by the county court for an indefinite term, and he need not be a resident of the county. The court in Marion county, for example, secured its engineer from an adjoining county. The law makes the engineer an adviser of the county court in the formulation of road policies, and its agent in seeing that such policies are properly carried out. While road overseers are appointed by the court, the engineer has direct supervision over their work in building roads, bridges, and culverts in the common road districts. The engineer is the legal custodian of all road machinery and equipment belonging to the county or to such a district. The law further provides that he shall examine and approve all claims against the road and bridge funds before they are presented to the county court. In addition to these functions, the engineer in three of the thirty-three counties studied is the purchasing agent for all road and bridge supplies used by road overseers. Certainly, the handling of road matters in Marion county is in harmony with the recent county managerial ideas. The same is true in the counties of Adair and Holt, except that the former has one and the latter four special road districts in which the county court and engineer have no authority. The writer is informed that similar arrangements exist in a number of counties not visited.

Awarding Contracts. The procedure to be followed by the county court in awarding a contract is outlined clearly in the statutes. It includes advertisement for sealed bids; the filing, opening, and consideration of bids; and the letting and the writing of the contract. All responsibility in awarding the contract devolves upon the county court, except that the statutes provide that the prosecuting attorney shall "draw all contracts relating to the business of the county." As a rule, the prosecuting attorney prepares only the more technical contracts, the others being written by the county clerk. In three of the

⁶ Optional laws are very common in Missouri. If this particular law is suspended, the elective surveyor becomes *ex-officio* engineer. At present, the surveyor is engineer in ninety-two counties, either by appointment of the county court or because the law has been suspended. In the other twenty-two counties, there is a separate county highway engineer. See *Official Manual, Mo.* (1929-30), pp. 168-197, and *R. S. Mo.* (1919), Secs. 10,782-10,799 (especially 10,787-10,796).

⁷ *R. S. Mo.* (1919), Secs. 738, 9465, 9503-9508, and 9582-9589.

counties visited, the attorney writes all county contracts; while in four others, he prepares none of them. In the latter counties, the clerk not only prepares all of the contracts, but largely assumes the responsibility of the county court in letting them. Hence, in awarding contracts the position of the county clerk varies from a mere secretary to the county court to that of an agent for the court, or an embryo county manager. The latter situation exists in only four of the thirty-three counties investigated.

Purchasing Supplies. Supplies for county offices in Missouri are generally purchased independently by each individual county officer. Recently, however, a number of county courts have attempted to control purchases by administrative officers by requiring such authorities to file a requisition for supplies with the county clerk. Such an order, issued by the county court of Ste. Genevieve county, was declared illegal in the opinion rendered by the attorney-general on February 21, 1928.⁸ In denying the authority of a county court to constitute itself a purchasing agent for the county, the attorney-general explained that elective officers are on a par with the court in purchasing supplies. He stated further that the county court must pay for supplies purchased by such an officer, if the articles secured and prices charged are "reasonable." In the absence of statutory authority to appoint a purchasing agent, this opinion has been accepted by the county courts as a correct statement of the law.

It is interesting, however, and perhaps significant, that, in spite of the above situation, purchasing is more or less centralized in several of the thirty-three rural counties studied. In seven of them, the county clerk buys practically all office supplies. In one case, a presiding judge purchases all office and road supplies for the county. In three counties, the highway engineer is the purchasing agent for all road and bridge materials; while in a few others the court itself buys most of the road supplies. Thus it may be seen that centralized purchasing has been introduced in several counties, although the duties of purchasing agent devolve in different instances upon the county court, presiding judge, county clerk, and highway engineer.

Auditing Claims, Reports, and Settlements. It is a duty of the county court as an administrative body to pass upon all claims against

⁸ "Authority of county court to constitute itself purchasing agent for the county . . . denied." *Opinions of Attorney-General*, February 21, 1928. Also see *Opinion of August 26, 1927*, "County is liable for office supplies of county collector."

the county.⁹ It also receives various financial reports from county officers and makes periodic settlements with them. In most cases, this auditing work is handled in a haphazard and unbusinesslike manner. As a rule, the court merely requires a bill for supplies to be signed by the officer who purchased and received them. Though lacking legal authority or responsibility, the county clerk, on his own initiative, sometimes attempts to verify the claims when they are filed in his office. Of course, only a few clerks make a very careful or thorough investigation. Similarly, only a few carefully check and verify, for the county court, the reports and settlements of other county officers. In discussing this work, one clerk said: "I make the settlement with the county collector, and the court approves it." His aggressive (and commendable) attitude may in part explain why he "did not choose" to run again in 1930. Certainly, a county clerk must be something of a diplomat if he carefully examines and verifies the reports of other elective officers without offending them.

Budgeting: Fixing the County Tax Rate. The statutes provide that "the county court shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on the several subjects of taxation so as to raise the required sum."¹⁰ This provision leaves the court to its own devices in ascertaining the sum necessary, justifying, but not requiring the preparation of a county budget.

Another provision requires the county court, at its May term, to apportion the county revenue to five separate funds, i.e., paupers and insane; roads and bridges; salaries of county officials; fees for grand jurors, petit jurors, witnesses, and election judges and clerks; and a contingent fund for other current expenses of the county.¹¹ The contingent fund must not exceed one-fifth of the total revenue for county purposes for any one year. Such an apportionment, if made carefully, would practically require the preparation of a county budget. However, this provision of the statutes, although mandatory in form, is frequently ignored.

In each of the thirty-three counties visited, an effort was made to find out how the county court estimates expenditures for the purpose of fixing the county tax rate. In two-thirds of these counties, the court relies almost entirely upon past expenditures. Detailed information

⁹ *R. S. Mo.* (1919), Secs. 735, 2574, 9509, 9547-9560, 9606-9617, 10,591, 12,910-12,924, and 12,982-12,990; and *Constitution* (1875), IX, 18.

¹⁰ *R. S. Mo.* (1919), Sec. 12,862.

¹¹ *Ibid.*, Secs. 12,866 and 12,876.

concerning such expenditures should be available in the financial statement which the statutes require the county court to prepare and publish each year.¹² Incidentally, this statement is generally prepared by the county clerk, or a deputy, the court allowing the clerk additional compensation for the work. In about one-third of the counties, the clerk also estimates for the court the probable revenue and expenditures for the ensuing year. In at least three counties, the data are worked out in sufficient detail to be called a 'budget.' In so far as this particular function of a county manager is being performed in the counties studied, it devolves upon the county clerk.

Conclusion. It is not contended that any particular county clerk or highway engineer is a county manager, but rather that managerial tendencies are evident in certain instances in the work of these officials. In at least three of the counties studied, the highway engineer exercises what might be considered as managerial powers concerning one county function—the building and maintenance of county roads and bridges. The official relations, as provided by law, between the county court as a policy-determining body and the engineer as its adviser and agent are also in harmony with recent managerial ideas, except in those counties where the engineer's authority has been invalidated by the voters. This may be done by suspending the county highway engineer law, or by organizing so many special road districts that the engineer has scant resources or territory under his control.

In contrast with the appointive highway engineer, the county clerk is elected popularly, along with a dozen or more other county officials, most of whom have authority to purchase independently their necessary office supplies. In spite of these handicaps, several county clerks perform one or more functions that would ordinarily devolve upon a county manager. This is true of at least three clerks in preparing a budget, four in awarding contracts, seven in purchasing office supplies, and a half-dozen or more in auditing claims, reports, and settlements. Is it possible that the managerial concept possesses certain inherent qualities which cause it to take root even in unfertile ground?

WILLIAM R. BRADSHAW.

University of Missouri.

County Managership Proposed in Texas. The regular session of the Texas legislature which began in January of this year had before it a proposal for a constitutional amendment to permit counties

¹² *Ibid.*, Secs. 9563-9564.

to adopt the county manager plan of government. The resolution providing for submitting the question to the voters at the regular election in 1932 passed the House by the required two-thirds majority, but failed in the Senate by a single vote.¹

The amendment would have empowered counties having a population of over 60,000, on a favorable vote of their qualified voters, to draw up home-rule charters for themselves. On a two-thirds vote of each house of the legislature, all other counties were to have the same privilege. The amendment also carried a grant of power to cities and counties to consolidate the two governments. To carry out the latter provision, the rural and urban votes were to be counted separately; and a majority of the urban and a two-thirds majority of the rural votes were required.² The larger majority required in the rural sections was a concession to the natural antipathy to a "one-man government" found among rural voters.

The chief reason for the proposal is to be found in the present system of county government, which is admittedly cumbersome and grossly inefficient. The arguments for a change center around two points: (1) the present organization of the county board, and (2) the inherent evils in the fee system as a basis for compensating county officers. A change in the county board is no doubt the place where the reform should begin, but the fee system serves as a better rallying point for the opposition to the present system. This method of paying county officers, as in many of the American states, is a product of growth from the beginning of county government in the state, and has been built upon by successive general and special laws until it is now a complex system which most county officers would be glad to be rid of if a reasonable salary schedule could be substituted. This attitude of officers does not arise from the belief that a salary schedule higher than the present rate of pay would be established (it would be considerably lower in large counties), but such a change would stop the rather widespread criticism of county officials and would give them a fixed income and a more secure tenure.

The present fee law, enacted in 1930 following a legislative investigation, allows a maximum of \$12,500 in the largest counties, \$8,000 in the second bracket, and \$5,500 in the third. In the smallest counties,

¹ *Senate Journal, Forty-second Legislature, May 21, 1931.*

² *House Joint Resolution, No. 25 (1931).*

the maximum is \$2,250 for the principal officers.* Under the laws prior to the present one, some officers in the larger counties had incomes from fees of \$25,000 to \$40,000 a year, and it was not uncommon for the sheriff in relatively small counties to make \$10,000 to \$15,000 from his fees of office. This was made possible by reason of the fact that his fee for feeding prisoners was not an 'accountable fee' of office. He accounted to no one for these fees, and if he could prevail upon the county board to set the per day allowance high enough, he could double, or even triple, the actual cost to him for furnishing food for the jail. In the mind of the voters, the present fee law leaves much to be desired.

The authors of the proposed constitutional amendment were, however, striking more deeply than the abolition of the fee system. They were attempting to reorganize the county board, which, as at present organized, is an anomaly. They were also attempting to shorten the ballot by making many of the officers appointive, a change that is unpopular in the rural sections but would meet with enthusiasm in the larger counties having cities. The county judge, who is chairman of the county board, is overburdened with quasi-judicial functions and has insufficient time for the business affairs of the county. The other four members of the board, called county commissioners, are really district representatives, who, because of the present road laws, are nothing more than road supervisors, and thus are little interested in the general affairs of the county. They are, furthermore, practically independent of each other and of the county judge in the matter of spending the road funds allotted to their districts. Much waste is the result. This virtual independence of the commissioners makes the judge a mere figurehead as chairman of the board; he votes in most counties only in case of a tie. In many, he does not even take a stand on public questions. The legislative investigation and the publicity attending the proposed amendment have caused the question of the present county government system to be one of the leading topics of discussion in the newspapers of the state, and lead those sponsoring the change to believe that the next legislature will submit the proposal to the people.

WALLACE C. MURPHY.

University of Texas.

* *General Laws, Forty-first Legislature, Fourth and Fifth Called Sessions, p. 30 (1930).*

FOREIGN GOVERNMENTS AND POLITICS

Constitutional Developments in China. The National People's Convention held in May, 1931, and the provisional constitution adopted by it, mark a stage in the development of modern political institutions in China. But it is as yet too early to determine how successful these will be in establishing a permanently stable government.

Calling the Convention was itself an indication that a relative degree of stability had been attained, following the agreement between the Nanking government and Marshal Chang Hsueh-liang in Manchuria and the defeat of the northern opposition under Generals Feng and Yen. But the decision to call the Convention developed internal differences in Nanking, leading to the retirement of Hu Han-min, head of the Legislative Yuan, who has been kept under guard. This in turn aroused distrust in Canton, which led to the open revolt of several southern provinces on the eve of the Convention's meeting. This movement has come about by one of the curious realignments of political leaders and generals, bringing together the more conservative and more radical elements in the Kuomintang, with suggestions of possible combinations with the recently defeated northern generals and other opposition elements in the interior.

Comparatively little information is available as to the process of selecting the delegates. A law issued by the Nanking government provided for their election in provinces and municipalities by occupational or functional organizations—agricultural unions, industrial associations, merchant guilds, educational institutions and professional associations, and the local Kuomintang party organizations. A total of 520 delegates was authorized: 450 from the 22 provinces (from 5 to 30 each), 22 from the larger cities (Shanghai, Nanking, Peiping, Tientsin, Hankow, Tsingtau, and Harbin), 12 from Mongolia, 10 from Tibet, and 26 from the overseas Chinese. No definite data have been given as to the legal qualifications of the primary voters; and but little of the actual conduct of the elections.

Press reports of the elections in some sections indicate that, while far short of a general participation by the mass of the people, there was, on the face of the returns, a considerable degree of popular voting, and more than might be expected from the conditions and previous experience of China. The report of the elections in Manchuria give

more information than from any other province. Here, elections were conducted in 54 of the 58 districts, by a total of 165 organizations, as follows: 54 agricultural unions, 4 industrial organizations, 51 merchant guilds, 50 educational and professional organizations, and the party organizations. Each of these elected three delegates, although the highest vote in the different groups ranged from 16,000 for the industrial and educational groups to 300,000 for the agricultural unions. Only the votes for delegates elected were publicly reported, with no data as to opposing candidates.¹

These figures indicate that the rural agricultural voters were relatively under-represented; on the other hand, in contrast with the Russian soviet system, business and educational organizations form a substantial element. One of the delegates elected by the industrial organizations (labor unions) was the manager of a cotton mill; and one of the educational delegates was a university professor.

Reports from several of the larger cities may also be noted. In Peiping there were 102,000 voters, about one-tenth of the population. Of these, three-fourths (76,000) were in the peasants' union, 7,779 in the labor unions, and 2,700 in the group of educational associations and liberal professions. In all, 51,000 votes were cast, two delegates receiving a clear majority. Of the persons elected, one was a bank president, one chairman of the National Central University, and two party leaders. In Tientsin, there were 60,000 voters. Two-thirds were in the class of merchants and shop-keepers; but a special order limiting the voting to proprietors or heads of firms reduced the electorate to 30,000, and only 17,267 votes were cast. The labor unions were the most numerous; these were said to be two-thirds illiterate, and names on the ballots were written by the election clerks. In Nanking, there were 46,000 votes cast, by 150 organizations in 16 districts. None of those elected had a majority of the total vote, and one had less than a fifth of the total.²

The correspondent of one of the leading English newspapers in Shanghai reported that the delegates were largely nominated by the government.³ Reports from Shantung, Shensi, and Tsinan stated that the voters were given a list of candidates to be written on the ballot papers. From Szechuan, the educational delegates were said to be igno-

¹ *The Ledger* (Peiping), April 28, 1931.

² *Ibid.*, April 26, 28, 1931.

³ *North China Herald*, weekly ed., May 12, 1931.

rant of education, the chamber of commerce delegate was not a merchant, and the labor and peasant delegates were military officers.

The internal organization and procedure of the Convention was also regulated by the law promulgated by the government. This provided for an oath to be taken by the members, and the election of a *praesidium* of seven to nine members to arrange the agenda and control the protection and discipline of members, and to preside in turn; also for a secretary-general, secretarial staff, and guards. The Convention was to begin when a majority of delegates arrived in Nanking, at a date to be fixed by the government. The meeting should continue for ten to fifteen days, but might be extended. Proceedings should ordinarily be open, but secret sessions might be held on motion of one-third of the delegates or action of the *praesidium*. A majority of delegates should constitute a quorum, and resolutions should be adopted by a majority vote, with a casting vote by the chairman in case of a tie; but a two-thirds vote might be required on motion of one-third or by the *praesidium* on important resolutions. There were to be committees on credentials and proposals and other special committees. Freedom of speech in the convention was specified, within the scope of the resolutions, but subject to responsibility if published.⁴

The Convention opened on May 5 at nine o'clock, in the hall of Nanking University, with an attendance of 447 delegates (out of 520), 44 members of the Central Executive Committee of the Kuomintang, and a number of visitors. In an opening address, President Chiang Kai-shek gave an extended account of the history of the revolutionary movement in four periods. On the next day, the *praesidium* was selected, including Marshal Chang Hsueh-liang from Manchuria, representing the National Government, the chairman of the Central Executive Committee of the Kuomintang, and seven others elected by the Convention. The elected members included three officials in the government, the secretary-general of the Kuomintang, the Peiping bank president, a farmers' representative from Canton, and one woman (Miss Lui Shun-yi), a labor representative from Shensi. The latter was the only member on the *praesidium* from the interior of China. Nine committees were established.

Plenary sessions of the Convention were held daily, with a few exceptions. The attendance ranged from a minimum of 403 delegates to 493, with members of the Central Executive Committee of the Kuomin-

⁴ *The China Press* (Shanghai), April 27, 1931.

tang, and from 40 to 70 visitors as observers. In addition to the delegates elected under the Convention law, ten women and forty others were admitted as members, the latter including the Panchen Lama, the spiritual head of the Buddhists, from Tibet.

A draft of the proposed constitution, prepared by a committee of the government, was presented to the Convention on May 8 by the chairman of the Examination Yuan. After some discussion and presentation of proposed amendments, this was referred to the committee on proposals. Four days later, the provisional constitution, with amendments by the committee, was reported to the Convention and adopted. Seven new articles and a number of minor amendments to the original draft had been made. These dealt with the livelihood and education of the people, annual budgets and financial statements, and the interpretation of the constitution.

In addition to the constitution, a considerable number of other matters were discussed and acted on, including resolutions and declarations of policy. In these respects, the People's Convention had some resemblance to an American party convention; but with more appearance of authority to declare and adopt legal measures for the nation as a whole.

A lengthy report on the achievements of the government was submitted, in three volumes, of 150,000 words. This dealt with military affairs, legislation, judicial and legal developments, the recently established examination and control yuans, and reconstruction work for river conservancy and the improvement of navigation. This report was referred to a committee and later approved.

Early in the Convention, a resolution for the immediate abrogation of unequal treaties was adopted and referred to a committee to prepare a manifesto on the subject, which was reported and adopted a few days later.

Extended proposals for programs on educational policy, national industrial reconstruction, agricultural development, and a national economic council were presented and referred to committees; and later the first two were reported to the convention, discussed, and adopted. Resolutions were adopted accepting the teachings of Sun Yat-sen as the basis of government.

Other resolutions, presented and adopted in principle, called for the early promulgation of the new salt-tax law, and urged the government to induce overseas Chinese to invest in domestic industries, to adopt relief measures for unemployment, to prepare plans for aiding the silk

and tea industries, and to establish a government translation bureau.

Another series of resolutions in general terms dealt with a variety of topics. Three related to Mongolia, asking for appropriations for education and cultural development, the establishment of self-government, and the retention of the tribal system. One called for a renewal of negotiations with foreign governments on unequal treatment of overseas Chinese. Others provided for a revision of the membership of the national government, and for the promulgation of the provisional constitution on June 10. One proposed resolution, for the development of the outlying provinces of Kansu, Kirin, and Ningsha, was referred to the government.

Telegrams were approved urging the peaceful unification of the country; and it was voted to send telegrams to the military leaders in Kwangtung not to oppose the central government, and to the Kwangtung people to support national unification.

Final adjournment of the Convention took place on May 19.⁵

The provisional constitution⁶ (*Yueh Fa*) adopted by the People's Convention is a lengthy document, with a preamble and 89 articles grouped in eight chapters. Chapter I, of five articles, deals with general principles, defining the territory of China, announcing the sovereignty of the people in a unified republic, describing the national flag, and declaring Nanking to be the capital.

Chapter II, on Rights and Duties, includes 22 articles, setting forth the customary declarations of individual rights, with some distinctive statements. In two respects it resembles the new republican constitution of Germany, in contrast with the declarations in American and revolutionary French constitutions. Most of the rights are not stated as absolute and indefeasible, but are subject to regulation by law. Exceptions are liberty of conscience and the right of petition, for which no restrictions are expressed. In the second place is the statement of duties as well as rights, specifying the payment of taxes, military service, and obedience to the government.

Chapter III, on Political Tutelage, consists of five articles, dealing with the provisional character of the system, as a period of training for the permanent constitution, under the control of the National Congress and Central Executive Committee of the Kuomintang party.

⁵ Proceedings reported in *The China Press*, and *The China Weekly Review*, May 9, 16, 23, 30.

⁶ Printed in *The China Press* (Shanghai), May 14, 1931, and *The Chinese Social and Political Science Review*, XV, No. 2 (July, 1931).

Chapter IV on the People's Livelihood and Chapter V on Education deal with matters of governmental policy rather than organization, and set forth the general principles of governmental activity in the development of the economic well-being and education of the people. These follow the lines of Sun Yat-sen's teachings, and may be called distinctly socialistic in character; but individualistic and coöperative enterprises are recognized. Some articles in these chapters were added by the Convention to the draft of the constitution prepared by the government.

Chapter VI includes six articles on the division of power between the central and local governments; but this is based on the general principle of an equilibrium of power, to be defined by law; and there is no attempt at a detailed enumeration of specific powers for the different grades of authorities.

Chapter VII on the Organization of the Government, with 19 articles, is the longest chapter. While the principle of an equilibrium of power between central and local governments has been declared in the preceding chapter, Article 65 in this chapter provides that the national government is to exercise all governing powers, and specifies in particular the command of military forces and control of foreign relations. The machinery of central government is continued practically as already organized, with a president and state council appointed by the Central Executive Committee of the Kuomintang, and five yuans (executive, legislative, judicial, examination, and control), the chairmen and ministers to be appointed by the national government at the instance of the president. This strengthens the position of the president to some extent, but does not in form go so far as some had expected. The precise organization of the various agencies of the national government is left to be determined by law.

Six articles in this chapter on local government authorize provincial, district, and municipal governments, and separate arrangements for Mongolia and Tibet; but the machinery for these is to be determined by law. Provincial assemblies may elect provincial governors as the provinces reach the period of constitutionalism, and preparatory committees for district autonomy are authorized.

The final chapter (VIII), entitled Annex, contains provisions similar to those in the schedule of American constitutions. The provisional constitution is to be promulgated by the national government, and all conflicting laws are to be null and void. The power of interpreting the

constitution is to be exercised by the Central Executive Committee of the Kuomintang. A draft of a permanent constitution is to be prepared by the Legislative Yuan, on the basis of the Outline of National Reconstruction, and to be published. When district autonomy has been completely established in a majority of the provinces, a national People's Congress is to be called to decide on the adoption of the permanent constitution.

Viewed as a whole, the provisional constitution mainly confirms the system of government already set up at Nanking, with some elaborations and minor changes. Its adoption by the People's Convention gives it the appearance of a larger popular support than the Kuomintang party; but all the agencies of government, both central and local, are to be under the control of the party organs. In practice, this will be limited by the need for compromise and coöperation with the military and political leaders in actual control of different regions.

JOHN A. FAIRLIE.

University of Illinois.

The Sovereignty of the Native Indian States: Before British India can ever be given complete home rule, the old and petty problem of the relation of the native states to such a dominion must be considered. Nationalists in British India maintain that whenever complete dominion status is offered to their country, it will assume in respect to the states the same position that the crown holds toward them; meanwhile, spokesmen for the princes insist that such a step can and should never be taken without their consent. Whatever viewpoint prevails, before India can function as an independent, self-sufficient unit, some arrangement, presumably of a federal character, must certainly be effected.

An analysis of the numerous views held concerning the legal relation of the native states to the British Empire enables one to discern three principal theories: first, that held by most crown officials and Indian nationalists, which maintains the sovereignty of the crown; second, the view of the Indian princes, which attempts to prove the retention by them of the "residuary" sovereignty; and, third, the intermediate opinion of many publicists, both of Europe and of India, which asserts the existence of a divided sovereignty.¹

¹ Sir William Lee-Warner, *The Native States of India*; J. Ramsay MacDonald, *The Government of India*; K. M. Panikkar, *Indian States and the Government of India*.

Desiring to ascertain the location of the legal sovereign in the political tangle presented by the apparently anomalous position of the princes, one is obliged to discard the theory of a divided sovereignty. Speaking in juridical terms, it is necessary to posit in some agency the source of legal sovereignty, even though its political exercise may be vested in more than one entity. There thus remains but two diametrically opposed theories, one that predicates the existence of supreme legal authority in the crown, and the other which confers it upon the rulers of the Indian states.

Claimants for the crown present their arguments in the "Report of the Indian States Committee," commonly termed the "Butler Report." This is the most recent expression of official British opinion on the matter, and in it the legal advisers of the crown base the sovereignty of the crown on three grounds: first, the succession by the crown to the sovereign powers held at one time by the now defunct Moghul Empire; second, treaties existing between the crown and each Indian prince; and, third, "usage, sufferance, and decisions of the government of India and the secretary of state embodied in actual practice."²

After vigorously insisting upon the sovereignty of the crown, the Butler Report completes its survey by recommending that the rights of the crown should not be bestowed upon British India without the consent of the native rulers; the Simon Report contains an expression of the same recommendation. Surely, in view of the sovereign claims of the crown, such an admission can only be a concession on the part of Great Britain as a matter of expediency, and not an acknowledgement of a legal right existing inherently in the position of the princes. No other interpretation can be upheld. If the crown is sovereign, the princes can have no legal right of decision in the matter.

Meanwhile, the case for the Indian princes has been stated very ably in a report entitled "The British Crown and the Indian States," in which the princes have attempted to refute the contentions of the crown. They refuse to admit the legality of a succession to the pretensions of the Moghuls, or the validity of such terms as "usage" and "political practice" when serving as a foundation for a legal argument. The only rights conceded by them to the crown are those arising from express treaty provisions. Therefore they conclude that they have retained through the years the "residuary" sovereignty, and that their right to enter, or to withhold from joining, a proposed federation is a

² Butler Report, p. 13.

legal right, and not merely a favor of the crown which may at any moment be revoked.

Indian Nationalists of British India are extremely averse to recognizing the sovereign rights of the states, and exhibit great impatience when such a claim is put forward by a prince. Herein lies the necessity of ascertaining the present legal position of the princes. The rulers cannot rely upon a temporary admission by the crown that their consent should be sought before incorporation into a federation while at the same time this same authority claims sovereign rights over them. It is possible that under the influence of zealous nationalist propaganda, such as is now being conducted in India, the crown will confer upon British India its so-called sovereign rights over the states without their consent. This the states are most anxious to prevent, and they are attempting to prove the invalidity of the position that they are devoid of the legal power to guide their own destinies.

Inasmuch as there are nearly six hundred of the states, varying widely in size and importance, and bound to the crown by engagements differing in degree and effect, a complete classification is practically impossible. Therefore the only states considered in the present note are those existing when British rule was first established in India, and which contracted with the crown on a basis of equality. States set up by act of the crown, and legally subject to its commands, are excluded. This last group comprises the larger number, but are considered both by the princes and by the crown as being merely feudatories of the British authority.

Essaying an opinion as to the status of the larger states under the norms of political science, one is confronted with a maze of diverse situations and arguments. Many publicists have termed them semi-sovereign states, or states under suzerainty; some have even said that they are purely administrative units of the British Empire, irrevocably attached to the crown by constitutional ties. An effort will here be made to prove that, contrary to the opinion of practically all writers on the subject, the major states are sovereign, in the Austinian sense of that term. The writer realizes that such a position predicates concerning the states the existence of an independence which cannot legally be curtailed or limited; it connotes an indivisible sovereignty in whose jurisdiction no other power exists which may legally impair its supremacy.

Historically, it appears that an important premise of the British

crown, claiming a succession to the sovereignty possessed over the states by the Moghul Empire, is incorrect. When the crown, displacing the Company in 1858, assumed its position in regard to the states, the Moghul Empire had disappeared. The sovereignty which the crown insists had been posited in the Moghul Empire must necessarily have disappeared also. And even if the crown could prove historically that rights of the Moghul Empire passed into its hands in 1876, it could not lay claim to possession of sovereign rights over the states. The reason for this statement is that the Moghul emperor, at the time when the Company commenced negotiating with the states, did not possess legal sovereignty in regard to them. Its superiority, as early as 1870, had been overcome by the Mahratta Confederacy, which merely exerted a *de facto* supremacy over the states, exacting tribute but permitting complete independence in local affairs.

Aside from this, the practices of the crown, subsequent to the Durbār at Delhi in 1876, when it asserted sovereignty over the states, were inconsistent with a logical development of its sovereign pretensions. If the crown had been legally the sovereign it would have dealt with the states by unilateral acts through the government of India. For the maintenance of its declared position of sovereignty, the crown would have discontinued the practice of engaging in separate treaties with each state when it desired certain practices to be initiated. It would have been unnecessary for it to do so. Declarations by an act of Parliament or the government of India would have been sufficient to have legal force in the territories of the princes. A sovereign state does not deal with a province or colony by treaty; it indicates its wishes by a legislative act which has immediate legal force and is actionable in courts instituted by the same legislative authority. Therefore, even if Great Britain had succeeded to the privileges of the Moghuls, she disavowed the possession of sovereign rights over the princes by her subsequent acts.

The treaties at present existing between the crown and the states permit the government of India to control foreign relations of all the states and to provide for the common defense; they also give it control over the larger railroads and certain other economic interests in the states. Let it be emphasized that in these states all activities of the government of India have been permitted to it by express treaty provision. Such privileges are not an impairment of the legal sovereignty of the states. By the treaties the princes have delegated—not ceded—to the

paramount power the privilege of exercising for them in certain instances such powers of sovereignty as they have considered convenient to confer upon it. That such treaties do not legally create a division of sovereign powers is evidenced in the following quotation from Dr. W. W. Willoughby: "... by treaties it [the sovereign state] may give its undertaking to other states not to exercise certain of its powers, or to exercise them only in certain ways, but these self-set limitations it may legally—if not morally—escape from by an exercise of that same sovereign will in pursuance of which they were created."³

Accepting the Austinian concept of sovereignty, it follows that treaties are not a legal limitation upon the sovereignty of the states entering into them; the same power that agreed to enter into such a contract can at any time, without acting in any manner illegally, abrogate the agreement. In rescinding a contractual obligation because of expediency, a state may be morally at fault; but no municipal or international court would recognize such abrogation as a basis for legal action. In delegating to the crown certain powers of action, the Indian states have not impaired the absolute character of their sovereignty.

The claim of the legal subordination of the states to the crown rests on still another foundation. This argument consists of an assertion by adherents of the crown that a great mass of political practice has arisen, through usage and sufferance, in which the princes have acquiesced, and that by prescriptive rights such usage has reached the stage of legality. The Butler Report says: "In all causes, usage and sufferance have operated to determine questions on which the treaties, engagements, and *sanads* are silent; they have been a constant factor in the interpretation of these treaties, engagements, and *sanads*; and they have thus consolidated the position of the crown as a paramount power."⁴

What do the lawyers for the crown wish to imply when they mention the terms "usage" and "sufferance"? Surely it can be nothing other than what is meant by international lawyers when speaking of usages in relations between independent states. If the states were legally subordinate, such terms would be superfluous; a proclamation of the organ exercising sovereign power would be sufficient to govern the actions or obedience of the states. But, again, the crown cannot maintain, even in an international sense, the growth of usage as a basis for legal claim.

³ *Fundamental Concepts of Public Law*, p. 181.

⁴ Butler Report, p. 24.

Usage, in its ordinary connotation, arises from the mutual consent and practices of independent states. It represents political practice arrived at by states in a leisurely manner and acquiesced in by both parties without the exercise by one of an overwhelming force over the other. This has not been true in India. The usage mentioned here is purely the result of a policy of expediency—perhaps beneficently exercised for the common good, but imposed upon the princes in the face of their opposition. This is not usage, and cannot be legally justified, even though it has necessarily been finally agreed to by the rulers of the states. "No physical force of coercion, however overwhelmingly applied can possibly transmute a legal wrong into a legal right. . . . All that physical force, advocated by those who claim a legal right to exercise it, is able to do is to overcome the physical force of those who deny this legal right, and possibly to convince them of the practical futility or inexpediency of further attempting to urge the correctness of their own views of what are their legal rights."⁵

Despite the force of the above views, it would be futile to attribute to the states a full measure of sovereignty if British law were applicable in the states; if an enactment of Parliament were legally efficacious, and native courts, instituted by British authority, were empowered to enforce such acts, there is little doubt that the Indian states would be devoid of sovereignty in the Austinian sense. And here we come to the most effective argument for the full legal independence of the major states.

No enactment of the British Parliament or government of India is legally effective and enforceable in any of the Indian states. There are no courts in these states which will take cognizance of a parliamentary statute as legally binding in any controversy. The princes are absolute in their domestic affairs; they are the fountains from which all laws spring and flow; and native courts, if they exist at all, refer only to their enactments in deciding disputes. Furthermore, the decisions of the native tribunals are not appealable to any court of British origin. It is granted that many exigencies arise whereby the ruler is forced by the government of India to act in a specified manner; but such acquiescence is the result of a superior physical power coercing a weaker, and not a legal superior commanding a legal inferior. " . . . their laws are supreme in their own state, and there is no appeal from their courts even to the Privy Council. The writ of His Majesty does not run in the

⁵ W. W. Willoughby, *Fundamental Concepts of Public Law*, p. 253.

states, and the surrender of criminals is governed by separate agreement."⁶

The theory can also be advanced and maintained that the states have the legal power to withdraw from their present alliance with the Empire. At first glance, this is seemingly untenable; but upon a closer analysis any doubts are soon dispelled. Perhaps for practical purposes the states are not possessed of the actual physical power necessary for a successful termination of their treaty relations with the crown; but, legally, there is no force which could interfere with a prince renouncing all treaties with the British power, withdrawing to himself, and commencing to conduct his own foreign relations.

From the above opinions it can be maintained that the states are legally independent and are not possessed of the power to conduct foreign relations only because of treaty agreements by which they have delegated such powers to a central authority, the British crown. They are sovereign in the Austinian sense. "The general proposition may here be laid down, however, that the presence or absence of sovereignty in a given political entity depends upon whether or not that entity has such control over its own legal competence that it cannot against its own legal will be legally bound in any way whatsoever by the legal will of another political body. This is the one and final test of sovereignty."⁷

Granting, then, that internally, the Indian states are legally sovereign, bound only by treaty to a common central agency, and possessed of the legal right to terminate all ties with this endowed functionary, the Indian states have the right to impose certain conditions upon British India before consenting to federal union; and this is not a favor bestowed by the crown, but a right resting upon established legal fact.

VERNON A. O'ROURKE.

Johns Hopkins University.

⁶ Lord Chelmsford, *Speeches*, Vol. 11, pp. 150-151.

⁷ W. W. Willoughby, *Fundamental Concepts of Public Law*, pp. 180-181.

INTERNATIONAL AFFAIRS

The Administration of Japan's Pacific Mandate. The territory under Japanese mandate comprises the former German colonial possessions in the Pacific Ocean lying north of the equator. This region is made up of three main groups of islands, the Marshall, the Mariana, and the Caroline, having a total estimated land area of approximately 800 square miles. Included in these groups are more than 1,400 islets, reefs, and atolls stretching across the Pacific from 130 longitude east to 175 longitude east, and from the equator to 22 latitude north. Lying west of Hawaii, east of the Philippines, and south of Japan, many of these islands are near the steamship lanes running from the Hawaiian Islands to Guam and to the Philippines.

A recent census shows that there are more than 60,000 inhabitants in the territory under Japanese mandate, about four-fifths being natives.¹ More than 12,000 Japanese have gone to the islands, as well as a few Europeans and Americans. The Japanese, for the most part, are engaged in agricultural or commercial pursuits or are government officials, while the Occidental population is made up mostly of missionaries. Racially, it is believed that the natives come within the Micronesian or Polynesian classification, although in many instances the racial strain is not pure.

Prior to 1914, the Japanese had few interests of importance in these islands. Occasional tramp steamers, trading vessels, or fishing boats from Japan sometimes visited them, but no regular trade relations existed. When, however, the World War broke out, Japan lost no time in sending a naval squadron to the islands, and, with comparative ease, she obtained control of them in October, 1914. At the time, the Tokio government explained that the seizure of the islands was only temporary, for military purposes, and that Japan had no desire to keep them.² Later events indicate, however, that these mere dots in the Pacific took on an increased value in Japanese eyes; certainly, once having secured control of them, the conqueror was loath to give them up.

Before the entrance of the United States into the war, Japan had

¹ *Official Report of the Japanese Government to the League of Nations for 1928*, p. 117.

² *New York Times*, October 8, 1914.

already made attempts to conclude agreements with some of the Allied Powers which would guarantee to her certain territories at the time when a peace conference should be held. A series of communications with the governments of England, France, Italy, and Russia in the early part of 1917 secured the support of these powers for future Japanese claims, in return for certain minor concessions on the part of Japan. That Japan should seek territorial acquisitions in the Pacific area was but natural, and undoubtedly the idea of being rewarded for participation in the war by this means appealed strongly to the Japanese. In the writings of one who has been a spokesman for Japan in the western world in recent years, we find that he believed the reasons prompting the Japanese to seek annexation of the German islands in the north Pacific to have been based largely upon pride and economic considerations.³ Japan wanted more colonies for the sake of the prestige accompanying such expansion. Furthermore, these islands would permit of some settlement and thereby give a few Japanese an opportunity to escape the crowded conditions in Japan proper. Another reason for an annexationist sentiment was that the possession of the islands was regarded as necessary for strategic purposes. Wartime utterances in the Japanese press showed that a certain section of public opinion believed that they would afford "a series of excellent naval bases," inasmuch as they "intercept the American line of communication with their naval bases," and would be of untold value to Japan "in the struggle for the mastery of the Pacific."⁴ At the time of the peace conference, it undoubtedly was Japanese pride, together with the strategic importance of the islands, that caused Baron Makino to insist that Japan be given control over these former enemy possessions.

At Paris in 1919, Japan, along with the other powers, finally accepted President Wilson's proposal for a system of mandates under the jurisdiction of an agency of the League of Nations. It was at meetings of the Allied Supreme Council on May 6 and 7, 1919, that a decision was reached awarding the German possessions in the Pacific, north of the equator, to Japan. A misunderstanding between the United States and Japan grew out of these meetings, because President Wilson claimed to have asked that the island of Yap be excluded from the allotment to Japan, although the official minutes of the meetings con-

³ K. K. Kawakami, *Japan and World Peace* (New York, 1919), pp. 63-71.

⁴ For a more complete discussion, see G. H. Blakeslee, "Japan's New Island Possessions," *Journal of International Relations*, XII, pp. 173-191.

tained no such request. The award included Yap, and when this fact was brought officially to its attention, the government of the United States protested vigorously. The Yap controversy was finally settled in a treaty between the two powers, signed at Washington on February 11, 1922, which disposed of differences between the two governments in regard not only to Yap but to the mandate as a whole.

In accordance with the provisions of Article 22 of the Covenant of the League of Nations, Japan's control over these islands as a mandatory power under the League forms a "sacred trust of civilization." The islands are a class "C" mandate, i.e., one of those, "which, owing to the sparseness of their population or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory." On December 17, 1920, the Council of the League approved the official award of the mandate to Japan. In this draft mandate are found certain limitations upon Japan's freedom of action. The mandatory must "promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory." Forced labor, except under certain conditions, and the slave trade are to be prohibited. Traffic in arms and ammunition must be controlled, as must be the sale of intoxicating liquors. "No military or naval bases shall be established or fortifications erected" in the mandated territories, and the "military training of the natives, otherwise than for the purpose of internal police and the local defense of the territory, shall be prohibited." Further, freedom of conscience and worship must be permitted, and missionaries must be allowed to carry on their work in the territory, provided public peace and morals are not disturbed thereby. Japan has agreed to "make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under" provisions of the mandate.

When Japan gained control of these former German possessions, late in 1914, military government was immediately established. On December 28, a reorganization of the government of the islands took place, and they were put under the control of a provisional naval garrison. Headquarters were established on the island of Truk, with six subordinate offices located at Saipan, Palau, Yap, Truk, Ponape, and

Jaluit.⁵ In July, 1918, a civil administrative department was established, although the commander of the naval garrison still remained in charge.⁶ The only important change brought about at this time was the substitution of civilian officers for naval officers in the six branch offices. In March, 1922, an imperial decree created a South Seas Bureau, which is the organization now in charge of the administration of the islands. This bureau has its main office in Koror, one of the islands in the Caroline group; and the civil administrative stations which were established in 1918 have been replaced by branch bureaus in the same locations. The South Seas Bureau is divided into many different sections and sub-bureaus, each of which has its own particular functions.⁷ According to recent figures, the personnel necessary to carry out the work of the administrative system numbers over 600; and very few of the positions are held by natives.

The director of the South Seas Bureau is the chief official of the Japanese government in the mandated territory. He is responsible for the administration of the islands to the prime minister of Japan, who supervises the work through the Overseas Affairs Department. In exercising certain functions, the director is subject also to orders from the minister of communications, the minister for finance, and the minister for commerce and agriculture. The director may issue administrative regulations in the islands; and these orders carry penal clauses impos-

⁵ *Second Annual Report of Japanese Government to the League of Nations*, p. 1.

⁶ *Ibid.*

⁷ The arrangement is as follows:

Director's Secretariat	Affiliated Offices
1. General Affairs Section	1. Branch Bureaus
2. Financial Affairs Section	2. Primary Schools and their Branches
3. Police Affairs Section	3. Public Schools
4. Economic Development Affairs Section	4. Apprentice-Woodworkers' Training School
5. Communications Affairs Section	5. Courts of Justice
6. Saipan Harbor Works Office	a. Higher Court
	Public Procurator's Office in Higher Court
	b. Lower Courts
	Public Procurator's Office in Lower Courts
	6. Industrial Experiment Station
	7. Mining Station
	8. Hospitals and their Branches
	9. Post Offices
	10. Meteorological Observatory

ing imprisonment for a period not exceeding one year or fines not exceeding 200 yen. In some cases of emergency, the director may issue orders with heavier penalties. But to remain effective such regulations require the approval of the prime minister.⁸ Legally, the director has the power to issue certain orders. But in practice these are of minor importance, all matters of major importance being dealt with by imperial ordinances.⁹ Although the terms of the "C" draft mandates provide that the territories in the "C" classification may be administered as portions of the territory of the mandatory, the Japanese government has usually applied special laws, apart from the general laws of Japan, in the mandated islands.¹⁰

Scattered through the islands are the six branch bureaus of the main office. These offices are concerned mostly with local administration, some of the functions falling within their jurisdiction being problems and duties in connection with the census, the police, the collection of taxes, and hygiene.¹¹ Each of the branch bureaus has a head who administers laws and regulations in the district under his jurisdiction. These heads come under the superintendence of the director of the main office at Korrör. Under certain circumstances, or when local conditions justify such action, the branch bureau heads may issue orders which have the force of law. These orders may not, however, have penal clauses attached to them. Regulations promulgated by the bureau heads may be suspended by the director if found in conflict with laws and regulations already in force, or if they are contrary to public welfare, or if they go beyond the authority of the person issuing them.¹² In certain civil disputes between individuals, the heads of the branch bureaus may act as arbitrators, which gives them some judicial power in addition to their other functions.

Village governments have been created under each branch bureau, the head officers in such units being village chiefs; and the positions are usually filled by natives. These officers are appointed and dismissed by the head of the branch bureau for the district, with the sanction of the director of the South Seas Bureau. The village chiefs aid in the

⁸ *Official Report of the Japanese Government to the League of Nations for 1927*, p. 10.

⁹ *Ibid.*

¹⁰ *Minutes of the Permanent Mandates Commission, Session 12*, p. 46.

¹¹ *Report for 1927*, p. 12.

¹² *Official Report of the Japanese Government to the League of Nations for 1925*, p. 26.

execution of laws and regulations by disseminating knowledge of them among the natives. They are required to submit reports and opinions concerning the administration of their local units to the head of the branch bureau over them. On the whole, it has been found that the use of these native officers has been an asset in carrying on the administration of the islands. Their prestige in the local community makes the problem of law enforcement easier for Japanese officials.

With the withdrawal of the naval forces from the islands in 1922, it became necessary to organize an efficient police system. No uniform or detailed police regulations have been drawn up to be enforced in all of the islands, because the varying customs of the many different tribes made it seem best to deal with minor local disturbances as the situation demanded. Regulations to apply to major disturbances, and to the more important problems of law enforcement, have been promulgated, and apply uniformly in all of the islands. Native policemen aid in the work of the police force and have jurisdiction over Japanese and foreigners as well as over fellow natives.

Prior to 1922, the administrative officials representing the Japanese government also served as the judiciary; but with the creation of the South Seas Bureau, a higher court and three lower courts have been established. In accordance with regulations issued in January, 1923, the civil code, commercial code, criminal code, code of civil procedure, and code of criminal procedure of Japan have been applied *mutatis mutandis* in the islands.¹³ Not all portions of the Japanese legal codes can be strictly applied, and the principal matters for which special provisions are enacted as exceptions to the legal codes of the Empire relate to certain civil cases in which natives alone are involved. In many such cases, it has been deemed best to take into consideration native practices and native customs. In criminal cases, however, the criminal code of Japan is applied regardless of the race or status of the persons concerned.

The lower courts operate on a single judge system, there being no jury trial in the islands, and give decisions on civil and criminal cases in the first instance. These courts are located at Palau, Saipan, and Ponape. The court of second instance, or the higher court, reviews cases on appeal from the judgments of the courts of first instance. The three judges constituting the bench in the higher court render final decisions. Judges appointed to this court are selected from among persons having

¹³ Report for 1923, p. 23.

qualifications to hold similar offices in Japan proper. Attached to each of the courts is a public procurator's office which "directs and superintends the detection of offenders, brings judicial proceedings before the courts, and directs and superintends the execution of judgments rendered."¹⁴ Police inspectors and police sergeants aid the public procurators in carrying out their duties. Branch bureau heads, it will be remembered, have judicial functions in addition to their administrative work. In certain civil cases, they may hear statements of the litigants and may take evidence, pronouncing judgment without bringing up the case for a formal trial. These decisions are known as "summary judgments," and if the accused is dissatisfied with the decision he may apply for a formal trial before the courts of first instance. Branch bureau heads may also delegate a portion of their judicial authority to the village chiefs. The vesting of some judicial power in these officers is in accordance with native tradition, for in many villages it is still the custom to regard the chief as the highest governing authority.¹⁵

When the complex problems constantly arising in the attempt to apply a new system of government to a population of backward and primitive people are taken into consideration, it may be said that the number of legal cases arising in the islands is very small. Individuals may be punished only for violation of a definite legal provision. Penalties, of course, vary with the nature of the offense, but they may be a death sentence, penal servitude for life, penal servitude, imprisonment, detention, or fine. By far the most common offenses dealt with by the courts and administrative officials are in connection with gambling, larceny, battery, liquor violations, and violations of the fishing regulations.¹⁶

In connection with the public finances of the mandate, we find that the excess of the total revenue derived from the islands each year over the total expenditures made in the islands is greater than the subsidy which is granted to the South Seas Bureau annually by the Japanese government. The government of Japan continues to grant subsidies to the islands, although the amounts have been reduced from what they were in the early days of the bureau. Recently, the Permanent Mandates Commission has become interested in knowing what the Japanese government intends to do with the surplus occurring in the budget each

¹⁴ *Report for 1927*, p. 3.

¹⁵ *Minutes of the Permanent Mandates Commission, Session 5*, p. 12.

¹⁶ *Report for 1927*, p. 22.

year.¹⁷ The accredited representative of the Japanese government has explained to the members of the commission that this surplus might be only a temporary thing and that, in the future, larger subsidies might have to be granted again. At the present time, the surplus is carried forward each year and placed in the revenue side of the budget for the following year. The Japanese authorities usually try to have the expenditures equal the revenue, but in recent years they have been conservative, both in estimating the revenue and in planning the expenditures. The Permanent Mandates Commission has taken the position that any surplus occurring in the administration of the islands should be used for the welfare of the natives, and the Japanese representative to the meetings of the Commission has agreed.

The total expenditures in the islands were over 6,000,000 yen in 1922, a sum that has not been equalled since that time. The average annual expenditure in the past few years has been almost 4,000,000 yen. The largest subsidy granted to the islands was in 1922, and amounted to 5,239,960 yen. Since 1924, the annual subsidy has been 1,800,000 yen. The total revenue from the islands each year has been increasing since 1923, the latest figures showing that the income derived from them is about 3,000,000 yen. The budget for the mandate must be approved by the Imperial Japanese Diet, even though the finances for the islands are separate from the budget of the Japanese government. By far the greatest sums are being spent for salaries of the many officials, office expenses, mining projects, communications, and industrial experiments. The main sources of revenue are the taxes of various kinds and the profits derived from the sale of phosphate. There are four different kinds of taxes—a poll tax, a mining tax, port clearance dues, and customs duties, the first two being direct taxes, while the last two affect the people indirectly. The order of tax income from the greatest to the smallest in amount is port clearance dues, revenue from the poll tax, customs, and, of very small consequence, the mining tax. These taxes are collected by the heads of the branch bureaus. Port clearance dues are levied on certain articles exported from the islands to Japan; while the poll tax is placed upon both natives and non-natives, with very few exceptions.

Japan has set about the economic and social development of her mandate with considerable vigor. The authorities have undertaken to develop the resources of the islands, not only by making use of the

¹⁷ *Minutes of the Permanent Mandates Commission, Session 14, p. 273.*

products found there heretofore, but by conducting investigations in order to determine what new commodities might be produced. An industrial experiment station has been established under the direction of the South Seas Bureau, and its investigations have given satisfactory results. For example, it has been found that forest woods suitable for planting in the islands are teak, Ceylon, cinnamon, ironwood, rosewood, and mahogany.¹⁸ None of these woods has been of any commercial value in the islands in the past; but with scientific planting and care, valuable sources of supply for the future may be built up. Investigation has revealed also that coffee may be grown in certain of the archipelagoes, and since 1927 the Japanese government, through the South Seas Bureau, has been giving grants-in-aid to encourage planting it. In addition to itself conducting investigations for the purpose of learning what additional resources may be developed, the government has actively encouraged both Japanese and natives along these lines by the grant of subsidies. Considerable money has been spent to aid in the growing of sugar cane, cotton, tobacco, hemp, and palm trees.

Only about one-third of the land area of the mandate, or approximately 70,000 hectares, is regarded as being suitable for cultivation, and not all of this has as yet been put into use. Of agricultural products, sugar is by far the most important.¹⁹ The industry is under private management, and is growing rapidly, due largely to the generous grants-in-aid given by the government. From the molasses of the sugar cane, considerable alcohol also is produced.

In the development of mineral resources, as in the encouragement of agriculture, the Germans had made a start; but real strides were not taken until the Japanese obtained control. The minerals found are sulphur, manganese, and phosphate, the latter being of much the greatest importance. The operation of the phosphate mines is a government enterprise, and a mining station has been established under the control of the South Seas Bureau to carry out this work. Since 1917, an annual average of about 60,000 tons of refined phosphate has been exported from the archipelagoes.²⁰

Along with the development of the natural resources of the mandated territory has gone the establishment of regular steamship service

¹⁸ *Report for 1925*, p. 60.

¹⁹ *Report for 1927*, p. 82.

²⁰ *Ibid.*, p. 91.

between the islands and Japan. This has been accomplished by granting subsidies to steamship companies. Improvement in communication facilities has been marked; several powerful wireless stations have been built, a telegraph service links certain of the islands, some highways have been built, and a postal system has been established.²¹ There are no railways for general public use, although rail transportation is used for products from the phosphate mines. To aid in navigation, lighthouses have been erected, navigation buoys have been placed, and some of the harbors are being deepened and otherwise improved. In brief, the energy which has characterized other phases of the Japanese administration has found its way into the development of navigation and communication as well.

In June, 1922, the customs barrier which had previously existed between the islands and Japan was eliminated, and trade between the two was made free of duty except for port clearance dues which are charged on certain exports to Japan.²² It must be remembered that, although Japan favored economic equality among all powers in dealing with the mandated regions, the "open door" does not exist in class "C" mandates, Great Britain and her Dominions having prevented its application in territories of that classification. Japan, therefore, has succeeded in monopolizing the trade of the islands awarded her, foreign countries having but very few and extremely irregular commercial relations with them. The chief imports are cloth goods, tinned foods, rice, cereals, metal ware, machinery, and alcoholic beverages; while the chief exports from the islands are phosphate, sugar, alcohol, copra, hemp, and shells. Down through 1920, the annual value of the imports exceeded the value of the exports, but since that date the situation has been the reverse. The value of imports has ranged from 938,456 yen in 1917 to a high of 4,301,827 yen in 1926; while the value of exports has varied from 597,898 yen in 1917 to a top figure of 7,860,000 yen in 1927.

No definite regulations regarding land ownership have been enacted, although titles in land acquired in accordance with the old German laws and with native custom have been recognized by the Japanese. Almost the only regulatory measures in regard to the land system which have been made by the administrative officials have been those to

²¹ *Official Report of the Japanese Government to the League of Nations for 1926*, pp. 79-80.

²² *Minutes of the Permanent Mandates Commission, Session 10*, p. 41.

safeguard the rights of natives. The German authorities found that because of the ignorance of the natives, most of them had little conception of land ownership and might easily be cheated. Steps were taken, therefore, to safeguard the native landowners. The Japanese have followed this same policy, having prohibited private persons from "entering into agreements aimed at purchase or sale, transference or mortgage, of lands owned by natives."²³ Transactions between Japanese and natives, or foreigners and natives, in regard to land transfers are not valid unless approved by the administrative authorities. The Japanese government has taken the position that land purchased outright by the government at its own expense is the property of the government in its own name. Lands held by the government in its capacity as a mandatory power are those obtained in accordance with paragraph 2 of Article 257 of the Treaty of Versailles. Some of the lands taken over from the German government were sold to private individuals, and German nationals had an equal opportunity to buy these lands if they desired.²⁴ A classification of government land has been made which divides it into that which is for public use, that which is for government use, that which is for forestation, and that which is for miscellaneous purposes.

The question of slavery is one that the Japanese have escaped; for slavery and the slave traffic are non-existent in the mandate. The Japanese have been fortunate, too, in not having serious labor difficulties. There is no organized labor in the islands, though with the further development of the sugar and mining industries, the problem of regulating labor may present itself. The regulations in force at the present time appear to be adequate to govern labor conditions, for it has not been deemed necessary to apply in the islands any of the conventions adopted by the International Labor Organization in regard to labor and slavery in mandated territories. Although the terms of the "C" mandate give the mandatory power the right to enforce compulsory labor for improvement in public works, should such steps become necessary, there has been no instance in the Japanese mandate where that right was exercised. It is difficult to get a good supply of labor in the islands, for the natives are very shiftless and lazy. For that reason it is permissible to import laborers on contract, although strict supervision is kept over the employers who follow this practice. Individuals or busi-

²³ *Report for 1925*, p. 98.

²⁴ *Minutes of the Permanent Mandates Commission, Session 7*, p. 86.

ness firms importing contract labor are required to submit a written report to government authorities, together with a copy of the terms of the contract. Administrative officials of the South Seas Bureau have the power to declare these contracts null and void, and also may fine employers if they do not observe the terms of the agreement.²⁵ Should employees violate the terms of the contract, the employer may bring the case before one of the courts of justice.

In the realm of public health and sanitation, the Japanese have been faced with a real problem; for the natives are ignorant of even the primary essentials for maintaining health. The Japanese administrative authorities have attacked the situation with their customary vigor, and at present the facilities for carrying on this work are more widespread and adequate than they were under German rule. A problem remains, however; for the coöperation necessary to educate the natives to a healthy state of living is lacking, because most of them are reluctant to assume any initiative in the matter. Natives are treated free of charge, or at very small expense, at the medical centers, in order to encourage their coming in for treatment. Doctors go into the outlying districts to bring relief to those who will not go to any of the several hospitals for attention. The most frequent ailments among natives and Japanese alike are pulmonary diseases, skin diseases, and venereal diseases, all of which are being combatted by the medical staff in the islands.

Even though the Japanese have done very good work in carrying out an ambitious public health program, there is still need for drastic measures of some kind to preserve the dwindling native population. In some of the islands, there is a steady decrease from year to year, the net result being that the latest population figures show that between October, 1925, when the last census was taken, and June, 1928, there has been a decrease of 253 natives.²⁶ During this same period, the Japanese portion of the population increased by 5,030, almost doubling in number.

To combat the liquor traffic, the Japanese as early as 1921 promulgated regulations designed to keep the natives from obtaining liquor other than for medicinal purposes and for religious ceremonies. Natives are not allowed to consume liquors containing more than three

²⁵ *Official Report of the Japanese Government to the League of Nations for 1924*, p. 46.

²⁶ *Report for 1928*, p. 117.

per cent alcohol, and they are prohibited "from manufacturing, selling, or purchasing and possessing them." In spite of the regulations, the natives manage to obtain liquor, and it is interesting to note that among the legal cases in which convictions have been secured, forty per cent of the crimes committed have resulted from liquor consumption and the liquor traffic.²⁷ The liquor problem has not been accompanied by a traffic in drugs; but the natives have discovered that a drink called "sakawo," made from plants found in certain of the islands, creates results much the same as those obtained from smoking opium. The Germans tried to suppress the consumption of this drink, and the Japanese are continuing the effort.

The work that the Japanese have done in carrying out their educational program has repeatedly drawn favorable comments from members of the Permanent Mandates Commission. The Germans left educational matters largely to the missionaries. There still are missionary schools in the islands, but the Japanese have established a number of government schools as well, and as a result a larger number of children now have an opportunity to receive some schooling. Separate schools, known as primary schools, have been established for the Japanese children. The course in these schools is usually of six years' duration, and is followed by a higher course lasting two years. In June, 1928, there were seven of these schools, and more were being established.

More numerous are the public schools for native children, which have been established in important centers where they are easily available for a large number of pupils. The native children from outlying districts are brought into these schools, where they are boarded and lodged. Instruction is free, and is conducted in the Japanese language in all except the lowest grades, where the native tongue is used. Natives as well as Japanese teach in these schools. In 1928, there were over 2,000 native children attending the public schools, and new buildings were being erected with a view to caring for the increasing enrollment. A few of the natives attend mission schools, both Protestant and Catholic. In addition to the regular public schools, the government has established a woodworker's apprentice training school to give native boys some technical training. In what are known as "short term classes," the various branch bureaus give technical instruction to youths and adults alike in agriculture, forging, and woodwork.

In conclusion, it may be justifiable to attempt certain generalizations

²⁷ *Minutes of the Permanent Mandates Commission, Session 16, p. 54.*

for the purpose of placing some evaluation upon the work that the Japanese have done in their mandated territory. It is difficult to get other than a general idea of what constitutes public opinion in Japan in regard to the areas under mandate. As far as the average Japanese is concerned, he is probably as interested in these regions as is the average citizen of the United States in Midway Island. The South Sea Islands are not rich enough or near enough to interest a large number of Japanese. At times of diplomatic stress, or when jingoistic publications proclaim a war in the offing, the press is active in discussing the area, the majority of the articles usually speaking of the islands, not as being a "sacred trust of civilization," but as "colonies" or "dependencies" of Japan. Whether the incorrect use of terms in such cases is intentional or due to ignorance is open to question.

In government circles, two points of view in regard to the island mandates are found. One is reflected in the statement of Viscount Uchida, foreign minister, who said to the Diet in the early part of 1921:²⁸ "... it is the determination of the Japanese government to spare no efforts in the discharge of this noble mission of civilization, in promoting the welfare and development of the people of these territories, thus fully to deserve the trust that the League members have placed in Japan." Another point of view is found among certain members of the House of Peers, who feel that Japan's share of the former enemy territories which were placed under mandate is "shamefully inadequate." This group feels that the attitude of the government toward the islands is entirely too reserved. If the islands could be administered as integral portions of the territory of Japan, why were they not incorporated into the Japanese Empire and governed accordingly?

As for the system of government that has been established, it undoubtedly is well-fitted to meet the requirements of the service for which it has been provided. In most respects it is similar to the systems in use in the colonies administered by Japan, and is consistent with the Japanese theories of colonial government. Chief responsibility is centered in the director of the South Seas Bureau, who in turn, of course, is responsible to the prime minister through the Overseas Affairs Department. Subordinate officials in the islands carry on the administration in the regions under their jurisdiction. The natives are not being forced to contribute too heavily to the support of the government in

²⁸ *Japan Chronicle*, February 3, 1921.

the way of taxes or exactions of any kind. Since it is hoped that some day they will be able to govern themselves, it might be better if the Japanese would give them more opportunity to learn about the problems they must eventually meet. The number of Japanese officials in the administrative service seems to be out of proportion to the population of the islands; but perhaps a large personnel is required because of the wide geographical area covered by the territory.

There has been a fear in some quarters that the Japanese government has been blinded to all else in its desire to make the islands a paying proposition. If that be true, it is only partly so; for along with economic development have come social improvements of one kind or another. The work that the Japanese have done, in the fields of public health and education particularly, is admirable. The number of natives who now have opportunities to receive some education is greater than ever before, and facilities to make possible the education of still larger numbers are being provided each year. In the matter of public health and sanitation, the same general statement can be made. Native inhabitants of even the most remote islands are now being brought under the scrutiny of medical authorities. In these two fields, the Japanese administration has been of the highest order.

But in spite of the good work that has been done, the native population is decreasing. This may be only temporary; but thus far the efforts made to prevent a further decrease have been unsuccessful. It may be just another case of a primitive civilization giving away before the onslaught of a more vigorous culture. The Japanese are exploiting the islands with considerable energy, and will no doubt get from them everything possible. Pressure of population will make them use every bit of available land for cultivation, and will cause them to cultivate this land intensively. There will be no room for those who cannot keep up with the pace that comes from crowded quarters. And that the Japanese intend to make use of the islands to an even greater degree for the benefit of their own citizens is shown in a report recently made by the director of the South Seas Bureau. He stated that there is room for 50,000 Japanese farmers in the islands under mandate, and urged that they be encouraged to settle there.²⁰ There might be an even greater influx if the experiments concurred by the government in regard to the raising of rice result as successfully as indications have promised. Such an immigration of Japanese would mean that the popu-

²⁰ *Japan Chronicle*, May 3, 1923.

lation of the islands would be almost doubled, with the natives in a distinct minority. Under present conditions, with the natives not quite four times as numerous as the Japanese, their numbers have begun to decrease. That conditions might easily be worse when the natives were outnumbered can be imagined without much difficulty.

When it is remembered that one of the primary essentials in the system of mandates is that the well-being of the native populations be safeguarded morally and materially, one questions the wisdom of "civilizing" these peoples. What good is accomplished if more natives live in frame dwellings than heretofore, and if more of them wear clothing than previously, if these "civilizing" influences result in their being driven from the territory they have inhabited for centuries? Or is it a natural and desirable sequence that a primitive and unproductive group give way to a vigorous people who are contributing something to present-day life?

HARLOW J. HENEMAN.

Northwestern University.

The Feetham Report: A New Plan for Shanghai. Shall the International Settlement of Shanghai be returned to China to become the prey of Chinese politics and civil disruption, or shall it be held in trust through a plan of Sino-foreign partnership until such time as China shall be able to preserve and protect its wealth and trade? This is the question now brought to the attention of Chinese and foreigners by the recently published report of Judge Richard Feetham, of South Africa, after eighteen months of intensive study of the problem. The report represents the most significant step yet taken toward solving the question of the future status of the International Settlement, the most important of all foreign concessions and settlements in China. For the first time in the history of the Settlement, China and the foreign powers have before them an adequate study of its development, and a definite plan upon which to base an agreement for future action.

The International Settlement is a foreign controlled and governed area on Chinese soil, located on the Whangpoo River and serving as the chief center for the vast trade and commerce of the Yangtze valley. Together with the French Settlement and the Chinese Municipality, it forms a part of the modern city of Shanghai. The International Settlement is an outgrowth of the British Settlement established in 1843 when Shanghai was first opened to foreign trade. Other foreigners

were admitted to the original British area, and in 1863 the British and Americans pooled their interests after the French had set up a separate settlement of their own.¹ The amalgamated British and American Settlement, extended in 1899, became the International Settlement of today, containing some eight and three-fourths square miles of land on which reside over one million people.² In population, the Settlement is truly international. Although the Chinese comprise over ninety-five per cent of the total, more than forty different nationalities are to be found among the foreign residents. For seventy-three years, however, the Settlement was governed wholly by foreigners in spite of its overwhelming majority of Chinese residents, and it is only since 1928 that the Chinese have had any official voice in Settlement affairs.

The government of this unique municipality is based on the Land Regulations and By-laws which may be traced to the Regulations issued in 1845 by the British consul.³ These were revised in 1854 to apply not only to the British, but to the French and Americans.⁴ The present code was issued in 1869 after the withdrawal of the French, and has survived with few changes.⁵ It is admittedly out of date, but the difficulty of obtaining an agreement among the many governments involved has prevented any real revision. The Settlement is governed by a Municipal Council, elected annually by rate-payers, who must possess high property qualifications. Endowed with complete charge of the administration of the municipality, the Council carries on its work through a number of departments and with the aid of advisory committees appointed from its members and from prominent foreign residents, which direct the application of the Council's policy. The administration is highly centralized; each department is under the control of an executive officer responsible to the Council through the Secretary-General, who coördinates the work of the government. Administrative officers are appointed for three years, and may be reappointed. In general, the administration has been characterized by an absence of corruption and by an efficient personnel.

From the point of view of good government, it would seem that the

¹ See Tyler Dennett, *Americans in Eastern Asia*, Chap. X; H. B. Morse, *International Relations of the Chinese Empire*, Vol. II, pp. 113-125; G. Lalling and S. Couling, *The History of Shanghai*, Chap. XXXV.

² Of this number, about 30,000 are foreigners; the rest are Chinese.

³ U. S. House Ex. Doc. 123, 33rd Cong., 1st Sess., 1853-54.

⁴ U. S. Sen. Ex. Doc., 35th Cong., 2nd Sess., pp. 145-158.

⁵ Shanghai Municipal Council, *Land Regulations and By-Laws* (Shanghai, 1927).

foreign administration has been successful. The presence of a large body of Chinese residents, contributing their share of the municipal funds but having no voice in the government, has, however, proved a source of friction almost from the beginning of the Settlement's history. Had the foreigners excluded the Chinese from the Settlement as they apparently first intended to do, a great many of the problems now confronting the foreign and Chinese authorities would never have arisen. But the Settlement offered a place of safety during the many civil wars, beginning with the Taiping rebellion, and the continued presence of the Chinese offered astute foreign landlords an opportunity for profit. Hence the seeming paradox of a large group of Chinese residing on Chinese soil under foreign government. From the days of the Taipings to the present, foreigners have held the Settlement under their own control, and have kept it secure from any attempted aggression on the part of the Chinese. As recently as 1927, foreign warships anchored in the Whangpoo and foreign troops protected the lives of foreigners and Chinese alike and safeguarded millions of dollars' worth of Chinese and foreign property within the Settlement boundaries.⁶

Although foreign administration has been admittedly efficient in many respects, the Chinese residents of the Settlement have not been wholly satisfied, and, as would be expected, have demanded at various times a share in the government. Demands made in 1899, in 1906, and again in 1915 did not bring results until after the World War. In 1920, a Chinese consultative committee was formed to advise the Municipal Council on matters affecting Chinese residents. Generally the foreigners have resisted attempts of the Chinese to participate in the affairs of the municipality, and it was not until after the affair of May 30, 1925, that action was taken by the foreigners favorable to such participation. As a result of increasing agitation on this point, Chinese have been given seats on the Municipal Council, which is now composed of five Chinese, five British, two Japanese, and two Americans. In addition, six Chinese sit on the Council's advisory committees, and Chinese are gradually being admitted to senior positions on the municipal staff.

The problem does not end here, however, because Chinese demands now include rendition of the International Settlement, along with all other settlements and concessions under foreign control.⁷ The foreign-

⁶ See Shanghai Municipal Council, *Annual Reports*, 1926-1927.

⁷ These demands were made at the Peace Conference of 1919, and have been voiced intermittently since then.

ers object to such a step until China can guarantee adequate protection of life and property, and until they can be reasonably sure that Western standards of municipal administration will be maintained. Nevertheless, most foreigners concede that they cannot hope to maintain their control of the Settlement indefinitely, and that its future status is uncertain. As a result of a general discussion of the problem at the meeting of the Institute of Pacific Relations in 1929,⁸ and because of an increasing desire to provide for the future by some definite action, the Municipal Council, in January, 1930, invited Judge Feetham, of the South African Supreme Court, to come to Shanghai to study the whole question.⁹

Judge Feetham was to advise the Council, "with a view to assisting them in formulating some constructive plan or scheme which, while giving full consideration to the aspirations of the Chinese people, will at the same time afford reasonably adequate protection to the great commercial and business interests which have developed in Shanghai."¹⁰ His report, contained in three volumes, appeared in May and June of the present year, and includes an exhaustive treatment of all the many problems affecting Chinese and foreign relations in the Settlement, as well as an historical description of the Settlement's growth. In conclusion, Judge Feetham presents a plan upon which it may be possible to work out an agreement for the future status of the Settlement.

The keynote of this plan is the development of "a genuine system of international partnership in the common interests of China and of the different foreign nations represented in the Settlement,"¹¹ during the transition period which must intervene before rendition can become a fact. After reviewing the contentions of the Chinese for immediate rendition and the arguments of the foreigners against it, Feetham concludes that immediate rendition is neither practicable nor desirable for the best interests of both foreigners and Chinese. Political control of local Chinese authorities by the Kuomintang and the National Government and inexperience of the Chinese in Shanghai with local self-government are the principal reasons given for denial of immediate

⁸ See Institute of Pacific Relations, *Proceedings of Third Conference* (Chicago, 1930), Report of Round Table Discussions.

⁹ *Report of the Hon. Mr. Justice Feetham to the Shanghai Municipal Council* (Shanghai, 1931), Vol. I, p. 5.

¹⁰ *Ibid.*, Vol. I, pp. 1-2.

¹¹ Feetham Report, Vol. II, p. 152.

rendition. In addition, there is still the possibility of civil disruption, which might seriously threaten the security of life and property in the Settlement if foreign control were entirely eliminated. It is recognized that the Chinese demand immediate rendition, and therefore would be unlikely to agree to a prolongation of foreign control; but a new basis may be found for negotiation in Feetham's concept of the transition period as a time in which, "the Foreign Powers, will then, by their own admission, become merely temporary trustees for the Chinese people of the Settlement."¹² He believes that an international agreement can be negotiated which will better define the now indefinite status of the Settlement and provide for its eventual return to China. The length of this transitional period depends upon so many factors that no one can set a definite limit, although Feetham believes that, "if an opinion were to be ventured now as to the minimum period required, it would be a question of the number, not of years, but of decades."¹³ This last statement has been objected to strongly by the Chinese, who see in it an attempt to extend foreign control indefinitely.

As to the administration of the Settlement during the transition period, the report makes a number of specific suggestions for desirable changes. The general form of the government should be retained, Feetham believes, because it has given this large heterogeneous community "self-government" and a "rule of law." He would provide for increasing Chinese participation in the government by enlarging the Council until it contained more Chinese than members of any other one nationality, but without destroying foreign control, and by permitting the gradual employment of Chinese in the higher administrative offices as fast as they could be properly trained. The enlarged Council would be more representative of the tax-paying community, and one demand of the Chinese, i.e., no taxation without representation, would be satisfied; for, as Feetham points out, such representation does not mean representation proportionate to taxation. Further, the Council under the transition régime would be responsible to two bodies of ratepayers, foreign and Chinese, which could bind the Council to any action in which they both concurred. Such concurrence might be required for the raising of tax rates. Separately, their actions would be only advisory. The powers and functions of the Council and the powers and duties of the electorate should be defined by a

¹² *Ibid.*, Vol. II, p. 134.

¹³ *Ibid.*, p. 139.

new "charter," which might be granted by the Chinese national government, but which should be based on an international agreement between China and the powers concerned.

Under this arrangement, the Council would be given the power to make by-laws (similar to city ordinances), subject to the veto of a new body composed of representatives of the Chinese government and the foreign Consular Body at Shanghai. The power formerly rested on the consent of the foreign ratepayers, which was very difficult to obtain. The creation of a new court is held to be necessary, consisting of one Chinese and two foreign judges, to which the Council would be responsible at law, and which should have the right of judicial review over provisions of the Land Regulations and By-laws. This court would take the place of the present Court of Consuls, to which the Council is now responsible, and which is really a committee of the Consular Body with few rules and ill-defined powers.

The possibility of the eventual amalgamation of the International Settlement with the French Settlement and the Chinese Municipality to form a "Greater Shanghai" is left open, but the desirability of closer coöperation between the authorities of these areas, especially in police and health matters, is strongly urged. Two plans are suggested as possible solutions for the extra-Settlement roads problem which has caused friction between foreign and Chinese officials for years. Both plans involve, "the adoption, for the present, of some form of joint administration, with a view at a later stage to the adoption of a more comprehensive scheme involving the creation of a new authority for the administration of these areas."¹⁴

In conclusion, Judge Feetham states: "The proposals which I have now made provide that, in addition to Chinese members on the Council, there shall be (1) a meeting representative of Chinese ratepayers which shall stand on the same footing as the meeting of foreign ratepayers; (2) Chinese representation in the authority entrusted with the duty of confirming by-laws made by the Council; and (3) Chinese representation in the Court to whose jurisdiction the Council is subject. Methods have been suggested also for broadening and strengthening the basis of partnership existing between the different foreign nations in respect to Settlement affairs. The developments proposed are thus in accordance with the principles of partnership already embodied in the constitution. If provisions on these lines are adopted,

¹⁴ Feetham Report, Vol. III, p. 32.

and are given a fair trial on the basis of willing coöperation by the partners concerned, it seems not unreasonable to hope that the Settlement system of government, which has a history in many ways remarkable, may be enabled to function successfully in the future in a more complete and consistent form, and while gradually adapting its methods and activities to meet the requirements of new conditions, may retain those distinctive features to which it has hitherto owed its special character and value."¹⁵

The conclusions of the report and the principles stated by Judge Feetham seem to have been generally accepted by the foreigners in the Settlement. In fact, the Municipal Council had put into effect some of his recommendations before the final publication of the report.¹⁶ Chinese opinion concerning the report seems to be divided. There is evidence that the Chinese are not satisfied, which was to be expected, since the report was made at the instigation of the foreigners; and the announcement that Dr. John C. H. Wu, recently appointed Chinese advisor to the Municipal Council, will devote the coming year to a similar study indicates a desire on their part to see the Chinese case in print. Nevertheless, the fact that the report of Judge Feetham contains definite and specific recommendations for the future, upon which the Chinese and foreign communities may be able to act, marks it as the most important step thus far taken toward a solution of the highly troublesome Shanghai question.

WILLIAM C. JOHNSTONE, JR.

George Washington University.

¹⁵ Feetham Report, Vol. II, p. 238.

¹⁶ E.g., the adoption of measures to facilitate the entrance of more Chinese into the municipal service and the creation of a board of education with Chinese and foreign members to carry out a definite plan of Chinese education.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Beginning with the issue for February, 1932, this REVIEW will be published as a bimonthly. The subscription rate will remain unchanged. While it is not expected that the amount of matter printed in a year will, for some time at least, greatly exceed that contained in recent volumes, it is believed that somewhat better distribution can be secured. At all events, book reviews, bibliographical lists, and notes on current political developments will reach our readers while somewhat fresher than heretofore.

An extended announcement of the next annual meeting of the American Political Science Association appeared in the August issue of this REVIEW (p. 718). It need not be repeated here, save to say that the place is Washington, D.C., the headquarters the Mayflower Hotel, and the date December 28-30. The complete program will be mailed to all members of the Association in the near future. Correspondence should be addressed to Professor John M. Gaus, chairman of the program committee, University of Wisconsin, Madison, Wisconsin.

Dr. Charles A. Beard will give a course of lectures on "Representative Government in a Technological Age" at the California Institute of Technology during the second term of the academic year. The course will be open to graduate students at the California Institute and from neighboring southern California institutions. Dr. Beard expects to be in Pasadena from the Christmas holidays until the Easter vacation.

Hon. Jacob Gould Schurman, formerly president of Cornell University and more recently United States ambassador to Germany, has been appointed special lecturer on international relations at the California Institute of Technology, and will give a short series of lectures in this general field during the coming winter.

Professor Harold S. Quigley, of the University of Minnesota, was appointed a delegate from the United States to the fourth biennial

conference of the Institute of Pacific Relations scheduled to be held at Hangchow, China, October 21 to November 4. He was granted sabbatical leave for the fall quarter for this purpose, and planned to spend the time not devoted to the conference in traveling and investigating political conditions in China. He will return to the University to take up his work in the winter quarter, when his volume entitled *Japanese Government and Politics* will be published in the Century Political Science Series.

Professor W. W. Willoughby, of the Johns Hopkins University, attended the International Conference on the Limitation of the Manufacture of Narcotic Drugs held at Geneva, Switzerland, in May and June, and also the September meeting of the Assembly of the League of Nations as counselor of the Chinese delegations.

After a year spent at the Institute for Government Research, Washington, D. C., completing a monograph on the Bureau of Agricultural Economics, Professor Lloyd M. Short has returned to his academic work at the University of Missouri.

During the past summer, Professor Milton Conover, of Yale University, worked in Washington on a monograph for the Institute for Government Research dealing with the extension service of the Department of Agriculture.

Mr. William Bearc, who collaborated with his father on *The American Leviathan*, has been appointed instructor in government at the California Institute of Technology for the current academic year.

Dr. Ernst B. Schulz, assistant professor of political science at Lehigh University, has been raised to the rank of associate professor. Dr. Schulz was visiting professor of political science at the Johns Hopkins University during the summer session of 1931.

On July 1, Dr. Rowland A. Egger, of Princeton University, assumed the post of director of the bureau of public administration at the University of Virginia. The bureau will work in coöperation with the state league of municipalities on problems of concern to the cities of the state.

Dr. Joseph R. Starr, who spent most of last year in England on a Social Science Research Council fellowship, studying the educational

activities of political parties, has returned to the University of Minnesota as assistant professor of political science. He will give courses in the fields of comparative government and political parties.

Professor C. P. Patterson, of the University of Texas, has been granted a year's leave of absence for the purpose of studying the administration of justice in England. He represents the Civil Judicial Council of Texas.

Professor Frank M. Stewart has returned to the University of Texas after a year's leave of absence during which he gave courses at the University of California at Los Angeles.

Dr. Cortez E. M. Ewing, of the University of Oklahoma, has been granted a year's leave of absence in order to teach in the department of government at the University of Texas.

Dr. Stewart MacCorkle has resigned his instructorship at the University of Texas to accept an associate professorship in political science at Southwestern College, Memphis, Tennessee.

Dr. M. M. Chambers, formerly assistant professor of political science at the Oregon State College, and recently assistant in school administration at Ohio State University, has accepted an appointment as chairman of the department of social sciences in the Teachers' College of Kansas City, Missouri, for 1931-32.

Drs. Matthew C. Mitchell and Leland M. Goodrich have been promoted from assistant to associate professor of political science at Brown University.

Mr. H. H. James has been appointed to an instructorship in DePauw University to succeed Mr. William Hargrave, who has accepted a position in the college department of the Macmillan Company. The leave of absence of Mr. Hiram Stout has been extended another year, during which he will continue graduate study.

At New York University, Dr. Clyde Eagleton has been promoted to a full professorship of political science and Drs. H. V. Thornton and J. A. McCorkle from assistant to instructor. Mr. T. Donnelly has resigned to become chairman of the department of government at New Mexico State Teachers College.

Professor Taylor Cole has resumed his work at Louisiana State University after a year's leave of absence. Professor Charles W. Pipkin, who is serving this year as a visiting professor at Columbia University, has been made a member of two committees of the President's Conference on Home-building and Home-ownership.

His many American friends were shocked to learn early this summer that Professor (formerly President) Maurice Vauthier, of the University of Brussels, had been run over and killed by a motor car. Professor Vauthier taught administrative law at the University of Brussels for many years and is the author of the very valuable *Précis du Droit Administratif de la Belgique*, published in 1928. He also was noted for his contributions in the field of aesthetics and was for some years president of the Belgian Royal Academy. He had long service, too, as secretary of the Commune of Brussels, which position, however, he resigned on becoming president of the University. For the past few years he had been a member of several successive Belgian cabinets as a representative of the Liberal party, first as minister of the interior and later as minister of sciences and arts. He was a man of charming personal traits, a brilliant conversationalist, a sagacious politician, and a sound scholar.

Professor Raymond Moley, of Columbia University, has been appointed research director of the statutory commission created in New York State for the investigation of the administration of justice. The commission will function for two years, and is expected to make a preliminary report to the legislature on March 1, 1932, and a final report on January 1, 1933. Among members of the commission are Dean Charles Burdick, of the Cornell Law School, and Mr. Bruce Smith, of the National Institute of Public Administration, New York City.

Mr. Paul F. Douglass, formerly Taft fellow in political science at the University of Cincinnati, who received the doctor's degree in June, has been appointed fellow in jurisprudence at the University of Berlin by the Institute of International Education for the academic year 1931-32. His dissertation, *The Administration of Justice in Magistrates' Courts in Hamilton County, Ohio*, is to be published this fall by the Johns Hopkins Press as one of a series of studies of judicial administration in Ohio growing out of studies being carried on by the Institute of Law of the Johns Hopkins University, in coöperation with the Judicial Council of Ohio and the Ohio State Bar Association. A

grant of funds by the Institute of Law made it possible to expand the study to include a survey of all the forty-nine courts of limited jurisdiction in the second most populous county in the state. Mr. Douglass organized the study of the civil branch of the Cincinnati Municipal Court, and has completed a study of the mayors' courts of twenty-two municipalities adjacent to Cincinnati. The results of the latter study will be published by the Johns Hopkins Press under the title of *The Administration of Justice in Mayors' Courts*.

Among matters discussed by Governor LaFollette in his first message to the Wisconsin legislature (January 15) was the problem of executive-legislative relations in the preparation of legislation and the control of administrative agencies given extensive legislative power, and the securing of the advice and experience of leaders of various interests (industrial, agricultural, professional, etc.) in the state in the preparation of important legislation and the study of state policy. His recommendation of a council containing representatives of the legislature and of the various interest groups eventuated in an act creating an executive council consisting of five senators and five assemblymen, chosen by their respective houses, and ten additional non-legislative members appointed by the governor without confirmation. The new council has recently begun work, and Professor John M. Gaus, of the University of Wisconsin, has been made research secretary on a part-time basis.

During the last week of September, it was announced that the fourth annual conference of the Institute of Pacific Relations, which was to have met at Hangchow, China, on October 21, had been postponed indefinitely on account of the Sino-Japanese crisis. Subsequently, however, it proved feasible to proceed with the meeting, with both Chinese and Japanese delegates present; and near the end of October, the sessions were opened, though at Shanghai rather than Hangchow.

The eighteenth annual conference of the International City Managers' Association was held at Louisville, Kentucky, October 7-10. Principal sessions were devoted to management technique, the relations of the economic depression to municipal affairs, city manager policies, and training for city managership. Among speakers on the program were Mr. Louis Brownlow, director of the Public Administration Clearing House, Chicago; Dr. Lent B. Upson, director of the Detroit Bureau of Governmental Research; Mr. C. A. Dykstra, city manager

of Cincinnati; Dr. Luther Gulick, director of the National Institute of Public Administration, New York City; and Professors Charles E. Merriam, University of Chicago, Thomas H. Reed, University of Michigan, and A. R. Hatton, Northwestern University.

During the current year, numerous members of the staff of the Institute for Government Research, Washington, D.C., have been engaged upon special studies or work for outside organizations. Mr. Lawrence F. Schmeckebier spent a considerable period on the study of the cost of criminal justice carried on under the auspices of the Wickersham Commission. Mr. Lewis Meriam completed work with President Hoover's Committee on Unemployment, and later was engaged on a number of special investigations having to do with the general problem of Indian administration. Messrs. H. P. Seidemann and Taylor G. Addison have been installing a budgeting and accounting system for the state of New Hampshire, under terms of a budgeting and accounting law prepared by the Institute and passed by the New Hampshire legislature last spring. Since June 1, Messrs. A. C. Millspaugh, F. W. Powell, Herbert Wilson, and Paul V. Eetters have been conducting field work for an administrative and taxation survey of Mississippi initiated at the request of the Research Commission of that state. Dr. F. F. Blachly and Mrs. Miriam E. Oatman-Blachly have been in France making a final revision of their book dealing with the government and administration of that country.

In pursuance of its enlarged publication program, the Department of State will issue in November or soon thereafter the first two volumes of *Treaties and Other International Acts of the United States of America*. Volume I will contain introductory material, lists, and tables; Volume II will cover the period from 1773 to 1818 and contain copies of the first forty treaties to which the United States was a party. Later volumes will deal with the diplomatic and juridical history of the treaties. The Foreign Relations Series and the War Supplement Series will be carried further by the publication of the first volume of the War Supplement for 1917 and the first of three 1918 volumes relating to Russia. Two more volumes of the 1917 War Supplement and the second Russian volume are due to come off the press during the spring.

During the first year of its existence, the Bureau of Public Administration at the University of California has utilized a total staff of twenty-one persons in conducting its research program. Those occupy-

ing permanent positions of professorial rank at the University, but having a major part of their activities in the bureau, include Dr. Herman M. Adler (formerly director of the Institute of Juvenile Research at Chicago and Illinois state criminologist), professor of psychiatry; Austin F. Macdonald (formerly at the University of Pennsylvania), professor of political science; Samuel C. May, professor of political science and director of the bureau; and August Vollmer (formerly professor of police administration at the University of Chicago), professor of police administration. Visiting members from other universities during the year included Professors Hugh N. Fuller, of Emory University, and Raymond Moley, of Columbia University. Other staff members included Dr. Carleton R. Ball, principal agronomist in charge, U. S. Department of Agriculture, Washington, D. C.; Mr. Fred Telford, director of the Bureau of Public Personnel Administration; and Mr. E. O. Heinrich, well-known criminal investigator. This group was aided by five full-time research assistants, five librarians, and two clerical assistants; and in addition, more than forty graduate students were working in the field. Thus far, the research program has dealt with (1) guides to the literature of public administration; (2) administration of criminal justice in California; (3) state, federal, and local administrative relationships; (4) interrelationships of the communities comprising the San Francisco Bay region; (5) legislative drafting; and (6) public personnel administration.

The fifteenth meeting of the Northern Association of Jurists (*nordiska juristmötet*) was held in Stockholm August 27-29. These meetings are attended by practicing lawyers, judges, professors of law, and others interested in jurisprudence from the five northern countries, namely, Sweden, Norway, Denmark, Finland, and Iceland. The association dates back to 1872, in which year the first meeting was held in Copenhagen. Since then the organization has convened in the three Scandinavian capitals, and in 1925 it met in Helsingfors. These sessions are of interest not only to the legal profession but to legislators and persons interested in legal reforms. The meetings are devoted to a discussion of legal problems with a view to arriving at solutions of the difficulties involved and to fostering uniformity in the content and procedure of the law in the respective countries. The suggestions of the association are frequently vitalized by the respective national parliaments, and when necessary may also find expression in treaties. National associations of jurists are maintained in each of the five states,

and these in turn send delegations to the *nordiska juristmötet*. Among the fourteen hundred persons who attended the recent Stockholm meeting were numerous representatives from all of the local associations with the exception of Iceland. The first day of the session was devoted to a discussion of methods of examining witnesses, especially parties litigant in suits. Speakers from the various jurisdictions represented in the meeting uniformly stressed the need of encouraging those methods of examination by which the facts in the case would be brought to light. The second day was given over to sectional meetings in which such subjects were considered as the protection of minority stockholders in corporations, the legal phases of the boycott, and legal actions against the state and commune. The plenary session was resumed on the third day and was devoted to a discussion of the legal responsibility of the state and municipal corporations for the acts of their employees. All of these questions are of interest to the student of American public law, and it is significant that all of the speakers at the northern meeting were rather skeptical of rigid rules and evidenced a preference for the functional method of approach. It is perhaps also significant that while the American jurist plants himself firmly on *stare decisis* and the Scandinavian jurist fortifies himself with historical and comparative jurisprudence, both are facing similar problems and both are resorting to a sort of rule-of-thumb method in their quest for legal rules to govern present day social and economic situations.—WALTER THOMPSON.

A conference on University Training for the National Service was held at the University of Minnesota on July 14 to 17, inclusive, under the auspices of the University and the United States Civil Service Commission, and with the support of other agencies and departments of the national government, the Committee on Public Administration of the Social Science Research Council, and the Sub-Committee on Personnel of the Committee on Policy of the American Political Science Association. Among the topics taken up for discussion were the following: (1) the career aspects of the national civil service for college and university graduates; (2) student and faculty attitudes toward the public service; (3) the functions of the universities as centers for training for the public service, and resulting problems of curricula; (4) the courses now offered by colleges and universities as training preparatory to entrance into the national services; (5) existing methods of informing qualified students regarding vacancies in the national service; (6) the form and content of the specifications promulgated by the na-

tional government relative to the training required for various positions; (7) types of examinations now given by the United States government for entrance into the service; (8) salary ranges, opportunities for promotion, and other conditions affecting the career aspects of the national service; and (9) possibilities for pursuit of graduate work within government departments. While some attention was paid to the entire range of employment in the national service, and to the personnel training problem of the government as a whole, separate sessions were devoted to only the following: professional and scientific services in agriculture and forestry; scientific services in general, with special emphasis on chemistry and physics; engineering services; legal services; consular and diplomatic services; public welfare and social services; and economic and statistical services. In each case at least two points of view were presented: that of the government, as represented by the Civil Service Commission, the Personnel Reclassification Board, and scientists in the several departments, and that of the universities which offer training, as represented by deans, department heads, and professors who came from various institutions. The excellent attendance, both of officials from Washington and of faculty members of universities, offered a splendid opportunity for the exchange of ideas and viewpoints. In many of the discussions, a third point of view was also presented, namely, that of the interested and intelligent outsider, who had neither a government nor a university connection. Despite the hot weather which prevailed throughout the conference, attendance and interest in the discussions were maintained from beginning to end. This result can be attributed to various causes, including the following: (1) the limited scope of the conference, which prevented the discussion from ever wandering far afield; (2) the diverse points of view represented, and the fact that nearly every one present could speak with recognized authority in his field; (3) the large amount of careful preparatory work which had been done both in Washington and at the University in compiling authoritative information for the conference—some of it ready in the form of large charts, and still more in mimeographed form, when the conference began; (4) a true conference atmosphere, since no attempt was made to obtain a large attendance, the speakers and invited guests were carefully selected, and practically everything took place around one large table. The conference undoubtedly proved that government officials, university specialists, and private citizens with intelligence and experience can frankly discuss common problems on a high plane. It also demonstrated the high import-

ance of the study of public administration. Almost every speaker made some reference to this point, and those university teachers of public administration who were present made some most illuminating contributions to the discussions. At the last session, brief reports were presented by the specialists representing the various fields with respect to the training which they would recommend for men seeking government positions in those fields. These important and interesting reports cannot be summarized here. They will be found in the proceedings of the conference which are now being prepared for publication by the University. When published, the volume of proceedings will probably include all the papers presented, the most valuable parts of the discussion, the statistical materials compiled for the use of the delegates, and the final reports and recommendations mentioned above.—WILLIAM ANDERSON.

Progress Report of the Committee on Policy. The second meeting of the Committee on Policy was held at Charlottesville, Virginia, on June 28, with the following members present: William Anderson, Edward S. Corwin, E. W. Crecraft, H. W. Dodds, Isidor Loeb, W. B. Munro, Frederic A. Ogg, Thomas H. Reed, Benjamin F. Shambaugh, and Harvey Walker. The meeting was largely devoted to the consideration of reports of the various sub-committees, all of which were represented except the sub-committee on research.

The Sub-Committee on Publications reported the results of its questionnaire to the membership of the Association on the questions: Is there a real need for (1) a political science monograph series, (2) a political science classics series, and (3) a political science documents series? A large majority of the members replying answered all three questions in the affirmative, and the Sub-Committee recommended that the Executive Council of the Association appoint a committee of three members of the Association to be known as the Committee on the Publication of Monographs; that this committee be authorized on behalf of the Association to approve highly significant political science monographs and arrange for their publication by a commercial press or university press; and that efforts be made to raise funds amounting to \$2,500 a year for an experimental period of five years to be used as subsidies where necessary to secure publication of approved monographs. In the discussion which followed, it appeared that the Sub-Committee was not disposed to press this recommendation, and a number of those present who had voted "yes" on the original questionnaire

reported that, after reading the reasons given by those replying in the negative, they would now vote "no." The result of the discussion was that the recommendation was referred back to the Sub-Committee.

The Sub-Committee on Publications also recommended that, beginning with the year 1932, the AMERICAN POLITICAL SCIENCE REVIEW be issued bimonthly instead of quarterly, and that for assistance the editor be allowed \$600 out of the funds of the Committee on Policy. This recommendation was duly adopted by the Committee and also approved by the Council at its meeting the next day.

There followed a discussion of the desirability of a full-time editor-secretary for the Association, and it was the sense of the Committee that it would be desirable to have such an office provided support of a permanent character could be secured for it. The Committee also discussed the question of a journal of public administration, for the establishment of which overtures have been made from several quarters. The Committee felt that the REVIEW, on its present lines, does not, and perhaps cannot, adequately meet the needs of this field. It was suggested that there was a possibility that those interested in public administration would split off from the Association and form an association of their own. A variety of opinions were offered as to means of meeting this situation, and the whole question of a journal of public administration was referred by unanimous consent to the Sub-Committee on Publications.

The report of the Sub-Committee on Personnel indicated that its members are somewhat dubious about the value of the placement service at present being conducted and expressed the opinion that it probably should not be continued unless a full-time secretariat can in some way be arranged for. The Sub-Committee is carrying on a survey of positions in the field of political science; also a similar survey of opportunities in the field of governmental research, with the cooperation of a committee of the American Psychological Association. The Sub-Committee is further preparing a list of fellowships and other types of financial assistance available for candidates for advanced degrees. Perhaps the most important work of the Sub-Committee is its plan for a comprehensive nation-wide survey of training for the public service. An analysis of courses in various institutions is in progress, and an effort is being made to ascertain student attitudes toward public service. It is hoped that the plan for the entire study will be ready in a few months for presentation to the Social Science Research Council and other interested organizations.

One of the most important actions taken at this meeting was the adoption of the following recommendations: (1) that we encourage the formation of state or regional political science associations (whether they are to be the one or the other depending upon local circumstances); or where, as in Michigan, there exists a History and Political Science Section of the State Academy of Science, Arts, and Letters, that we take advantage of the existing organization even though it is not strictly a political science association; (2) that we invite the president or a representative of each of these associations to meet at the Christmas meeting with the Council and the Committee on Policy with a view to promoting a unified program of activities; (3) that we particularly emphasize with the regional associations their importance as a means of reaching the rank and file of the teaching profession, especially with reference to training for citizenship; and (4) that we offer to the membership of state and regional associations an associate membership in the American Political Science Association at four dollars (in addition to their membership in their own associations), that is, at enough to pay for the cost of sending them the REVIEW. These associate members will not, of course, have the right to vote at meetings of the Association. In addition, it was voted that the general chairman of the Committee on Policy be given authority to allow the expenses of speakers at meetings of regional political science associations out of any unappropriated balances in the funds of the Committee.

The Sub-Committee on Political Education reported that at least four of the small informal conferences in which politicians as well as political scientists and other experts are to take part have been arranged for this fall, and that a number of others are in process of arrangement for next year. It was the opinion of the Committee that this work is of very great importance, and it was strongly urged that the local committees helping to arrange these conferences be encouraged with as liberal allowances from the funds of the Committee as possible. The Sub-Committee also reported upon its efforts to overcome the inadequate recognition of political science in the curricula of normal schools, teachers colleges, and the courses of study in the secondary and elementary schools. The Sub-Committee is making strong efforts to establish contacts with the agencies responsible for fixing the qualifications of teachers and the courses of study for the schools. A series of state conferences between educationists and political scientists has been arranged for this fall, and a strong program is being prepared for a three-day round table on training for citizenship at the annual meet-

ing of the Association. It was the Committee's opinion that it is not necessary for the Association to seek funds for an elaborate study of the place of government among the social sciences in the schools. A great deal of work has been done in the past, and is now being done by a commission of the American Historical Association amply provided with funds for the purpose. The function of the Political Science Association apparently will be to encourage the recognition of the facts, and in coöperation with the state and regional associations it is hoped that some genuine progress can be made toward effective citizenship training in which the study of government will have its rightful place.—THOMAS H. REED, *Chairman*.

BOOK REVIEWS AND NOTICES

EDITED BY A. C. HANFORD

Harvard University

Die Idee der Staatsräson in der Neueren Geschichte. By FRIEDRICH MEINECKE. (München und Berlin: Druck und Verlag von R. Oldenbourg. 1925. Pp. 548.)

This book is without doubt one of the most important recent contributions to the history of political ideas. It is at the same time highly suggestive for political theory as such. Friedrich Meinecke is unrivalled in his ability to unravel the complexly interwoven transfiguration of a general idea. The eternal object which such an idea represents becomes intelligible through his masterful exposition of the kaleidoscopic multiplicity of individual formulations which its various aspects have found. His powerful historical imagination renders his study of ideas unusually vivid, for he brings to them the sure touch of the historical scholar who is fully aware of the atmosphere or climate of each successive age. Whether or not you agree with the particular positions taken by the author, you will always come away with a richer and more subtle point of view. All this could be, and has often been, said regarding his epochal *Weltbürgertum und Nationalstaat*. It is equally true of this more recent study. And in view of the fundamental importance for political science of the notion of a "reason of state" or, more broadly put, of a specifically political type of rationality, you will find yourself reading the various chapters over and over again in an effort to realize all the implications. In this review we wish to concentrate upon a critical evaluation of Meinecke's interpretation of this eternal object of political speculation.

The peculiar excellences of Professor Meinecke's work have tended to prevent a critical evaluation of its fundamental tenets. Its psychological subtlety, its weighing of antithetical and contradictory opinions, and particularly the refusal to define, or at least to circumscribe, the central concept at the outset intensify the difficulties of the critic. Yet this task must and will be undertaken along the same general lines which Carl Schmitt so ably anticipated some time ago.

The reason of state (*ratio status*, *raison d'état*, *ragion di stato*, *staats raison*) was one of the outstanding catch-words of the later six-

teenth and early seventeenth centuries. Under the impact of Machiavelli's passionately detached analysis of the conditions of political action, speculation everywhere in Europe turned upon this fundamental problem of the relation of politics to the other realms of human endeavor. The idea of such a separate reason of state is at bottom neither more nor less than the assertion of the state, or organized political community, as the highest of all values.

That certainly was the view of Machiavelli. His thought is, however, complicated by the concept of a *virtù* which, according to Meinecke, is in turn in Machiavelli's opinion the self-evident purpose of the state (p. 43). This heathen concept of *virtù* deserves for this discussion to be made more specific by a few quotations, particularly since it is practically unknown in English (Cf. R. N. Carew in *Hibbert Journal*, October, 1928). "It is an exceedingly rich concept, . . . with a peculiar and individual note. It might include moral qualities, but primarily it is to designate something dynamical, something put by nature into man, heroism and the strength to accomplish great political and military deeds, but particularly to found and maintain flourishing states" (pp. 39-40). "It suggests the emotional and spiritual strength of natural man who through *grandezza dell'animo* and *fortezza del corpore* grows to be a hero. This *virtù* is either genuine, in which case it produces that rare specimen we call a statesman, or it is derived, and then it produces good citizens. But *virtù* is by no means unregulated force of nature, it is force transformed into rational and purposive conduct, *virtù ordinata*. Associated with this concept of *virtù* are the concepts of *fortuna* and of *necessità*. It is the task of *virtù* to limit the influence of *fortuna*. In this struggle it is permissible to seize upon any promising weapons" (p. 46). "*Necessità* represents another aspect of the set of forces which we should today call the realm of causal determinations. If *virtù* is the living strength of man which creates commonwealths and gives them life and meaning, *necessità* is the causal, coercive force, the means to shape the inert mass into the form desired by *virtù*" (p. 47). This doctrine of *virtù ordinata* undertakes to rationalize the passion of some great men to create a community in their own image by the one grand simplification that this is the most important creative effort. Like the ancients, Machiavelli asserts that upon its success depend all other creative efforts as their *conditio sine qua non*. He thus eliminates all possibilities of the conflict of values.

But this doctrine of *virtù* was not understood by his later admirers and detractors. It was a child of the Renaissance, and it appeared with it (p. 56). The calculating technical attitude toward political problems which this doctrine implies is all that remains under the misleading slogan of "Machiavellism." Of it the idea of the reason of state is the central tenet. Meinecke sets himself the task of discussing the spiritual struggle over this "Machiavellism" in terms of the idea of the reason of state (p. 57), rather than venturing upon a critical study of the literary controversies over Machiavelli *in extenso* (p. 61)—a job which has been done before him by Christ, Mohl, Villari, and Burd.

We have to look now for Meinecke's opinion as to what is to be understood by this concept. Although he tells us that "the rich content of the idea of reason of state cannot be enclosed within the narrow limits of a definition" (p. 251), he often indicates what he wishes to have us understand by reason of state. It is the principle of political action, the law of motion of the state. It tells the statesman what he must do in order to maintain and strengthen the commonwealth, because the state is an organic formation whose full strength is maintained only if it can somehow continue to grow. Reason of state indicates the ways and means of this growth. These formulations as a starting point are a bit vague. Surely if reason of state includes everything that the statesman must do under any circumstances, it lacks all specific significance. If, on the other hand, it embraces certain general rules, as the first sentence suggests—when Meinecke speaks of the law of motion of the state—it would perhaps be better to speak of rules which "usually" work, for the notion that unalterable laws rule throughout the universe is now commonly doubted. In other words, in this latter meaning, reason of state is simply the particular illusion applied to the facts of politics corresponding to similar notions applied to other facts—all presupposing an order of nature as a matter of course.

By operating with a vague concept, Meinecke is enabled to bring a vast network of heterogeneous ideas into the discussion, but this discussion for the same reason lacks structural clarity. Its effervescent wealth of interrelated ideas receives its order from the sequence of authors whom the discussion takes up in turn. This means that the book as a whole tends to become a series of essays on these individual authors, held together rather loosely, not by any definite *idea* of the

reason of state, but rather by the *word*. The various chapters deal particularly with Machiavelli, Gentillet, Bodin, Botero, Boccacini, Campanella, Naude, Grotius, Hobbes, Spinoza, Pufendorf, Courtilz de Sandras, Rousset, Frederick the Great, Hegel, Fichte, Ranke, and Treitschke. There is also a chapter each on the spread of the doctrine of reason of state in Italy and Germany in the seventeenth century, and on the doctrine of state interest in France in the time of Richelieu.

In the opinion of the reviewer, this selection is not entirely immune from criticism. For example, it is not apparent why so shallow a writer as Gentillet should have been selected as the only Calvinist. The reason for Meinecke's choice must probably be looked for in a distinction which he attempts to draw between the history of ideas and the history of political theories. "To write the history of the idea of the reason of state means to investigate how reason of state has been grasped and explained by human thought during the passage of time. Formerly, one accorded this task to the history of political theories. The latter is usually treated as a sequence of dogmas, loosely connected with general history. Such shallow treatment cannot satisfy us today. The history of ideas should be treated as an essential part of general history . . ." (p. 25). Nobody will quarrel with these propositions. It is certainly true that "only by being grasped in the form of a principle do the tendencies of an historical epoch acquire their full impetus and rise to what one may call an idea" (p. 49). But the crucial problem remains: Which formulations of such a general idea shall we select from among the many available ones? Shall we emphasize those which contemporaries read most widely, or those which fit into a pattern of truth that we are willing to defend on general grounds regarding both their adequacy and consistency? Yet, Meinecke's critical attitude toward what he calls the history of political theories arises from a notable shortcoming of a great deal of political theory, so-called. This difficulty is rooted in the constant confusion of political and juristic concepts, a confusion which is bred by the desire of political pamphleteers to obscure the essential logical distinction between categories of existence and categories of essence, between what is and what ought to be.

The absence of a clearly defined concept of the reason of state does not mean that Meinecke's discussions lack all inner direction. As a matter of fact, Meinecke even speaks of a progress and development in the doctrine. The early doctrine was abstract, rationalistic, generalizing, and mechanistic. It presupposed that human nature was more or

less alike in all times and places. The newer doctrine considers the individuality of each state. For Meinecke, the turning point is to be found in the philosophy of the German idealists, particularly Hegel (p. 434 and elsewhere). They expounded, as everybody knows, the identity of nature and reason, of politics and ethics. In order to be able to assert that the existing state is the reasonable (i.e., good) state, Hegel was obliged to deprive reason of its static character, to rob its objects of their eternal validity. Meinecke rightly emphasizes the dominating influence which this variety of anthropocentric monism had in Germany during the nineteenth century. The effect of this doctrine was to palliate *Machtpolitik* by "idealizing" it (p. 533). Thus, idealism became the entering wedge for a coarsely naturalistic and biological *Gewaltethik*. Meinecke minces no words in pointing out that such "idealism" is little better than the Western European "moralism" whose high-flown principles end in lamentations, hypocrisy, or cant.

Meinecke wishes to break them both. After rejecting the notions developed by German idealism, he propounds a new dualism which reminds one in several respects of American humanism. The doctrine of a distinct political morality he proclaims erroneous. We are here confronted with what is simply a specific instance of a much more general phenomenon, the conflict of individual and universal morality (p. 533). "For every human being, the general, pure, and severe ideal is confronted in each of his actions with his completely individual world which is compounded of natural and spiritual elements. All kinds of conflicts result. . . . The maintenance of his own individuality is certainly a moral right and a moral obligation, whenever it serves to maintain the moral element of this individuality. But if this self-assertion takes place at the expense of the universal moral command, it involves tragic guilt" (p. 534). Applying these general considerations to the political realm, Meinecke insists that the moral code does not lose its validity by coming into conflict with the necessities of political survival, and that he who makes himself the instrument of these necessities must nevertheless accept the odium which attaches to the man who violates the moral code. Unfortunately, the moral code is itself a rather problematical concept. We may readily agree with Meinecke that the moral code, in order to be a moral code, must be considered valid. But the really perplexing question at this point is: "Who decides what is right under certain circumstances?" In other words, the conflict between individual and universal morality, between more or less universal claims of validity, is itself only a limited aspect of the problem

of the conflicts of moral and other values, and the concomitant one of the basis of their respective claims to validity. It may be doubted whether we should be satisfied in our efforts to clarify the conflict of fundamental values by taking flight into the æsthetic realm. The word tragedy is at best an expression of the fact that the moral code is itself problematical. It simply indicates the profound shock which the human being suffers when he discovers that conflicts of value do exist, and do require discussion. The fundamental problem of politics is how to organize the community for the purpose of making such final decisions. The idea of the reason of state represents one possible answer. This answer involves necessarily the assertion of a highest value. The highest value it asserts to be the life of the political community to which we belong. If we do not accept this decision, if we wish to assert another highest value, we cannot escape from rejecting the state and the idea of its *ratio*.

Meinecke suggests that the doctrine of *raison d'état* is fundamental for political science (p. 510). In its quest for the concrete "state" it should take account of this "idea." But why limit ourselves to the "state"? Does not the same problem arise wherever the conflict of values takes concrete form? How about the kind of situation epitomized by Dostoyewski in the famous episode of the great inquisitor in the Brothers Karamazov? How about the man who commits a fraud in order to save the business which he knows thousands to depend upon? It seems to the reviewer that the analysis of the real problem of which the historical discussions about the reason of state are only a specific manifestation requires much more exact and searching theoretical analysis before the "idea" can be more than a crude measure of the "political" element in men's behavior. The idea of a specific reason of state may be, and in the opinion of the reviewer it is, the starting point for a fundamental category of political science; but it is no more.

It would be difficult to undertake a detailed evaluation of the wealth of material presented in the book. Several chapters, particularly the first devoted to Machiavelli, deserve a review of their own. The abundance of historical insight and the survey of four centuries of political thought will excite the highest admiration. They will induce anyone who is interested in the history of political ideas to reconsider many of the prominent thinkers of the modern period in a new light.

CARL JOACHIM FRIEDRICH.

Harvard University.

Simon, or the Future of Politics. BY EDGAR ANSEL MOWRER. (London: Kegan Paul. 1930. Pp. 96.)

The remarkable thing about this little book is that it combines literary brilliance of form and originality of substance with urbane and searching scholarship. Mowrer, the Berlin correspondent of the *Chicago Daily News*, has lived abroad these last twenty years, and has combined with journalism a keen philosophic intelligence. He is already distinguished for his interpretations of American civilization in *This American World* and in the columns of the principal Continental reviews. His sense of the living present is due to his intimate touch with great events; his systematic slant on the nature of politics was in part derived from the conversation and the writings of an Italian thinker who is still too sparingly known in the English-speaking world of scholars, the late Judge Gaetano Mosca, who published his *Positiva Scienza di Governo* under the name of Umano (Turin, 1922).

Following Umano, the two constants of politics are said to be: "(1) an individual and collective instinct for dominion over others; (2) the means or forces whereby such dominion can be sought, consisting of (a) a force of mind; (b) a force of bodies; and (c) a force of wealth or property." The political consequences are studied of the five principal ideas of recent times—the idea of equality, of nationalism, of individualism, of efficiency, and of internationalism. Mowrer's examination of the crisis of the modern state leads to the "paradoxical" conclusion that "stable government in large countries is impossible under present conditions," with "compromise democracy" leading toward despotism, and with despotism leading toward democracy. The available alternatives are simply downfall or the deliberate search for new modes of organization. There are numerous excellent comments on the modern problem of organization.

The present reviewer is not convinced that this statement, supported though it is by the weight of systematic political thinking, is sound; particularly is this true if the necessity for reorganization is narrowly construed to refer to the governmental patterns of culture. The political scientist is chasing a phantom when he tries to build a perpetual motion machine to grind away while he pursues his inner fancies.

HAROLD D. LASSWELL.

University of Chicago.

Methods in Social Science: A Case Book Compiled under the Direction of the Committee on Scientific Method in the Social Sciences of the Social Science Research Council. EDITED BY STUART A. RICE (Chicago: The University of Chicago Press. 1931. Pp. xiv, 822.)

The method of "sampling" is a fully accredited research procedure. It has been employed by the reviewer in the examination of this book. It would be unconstitutional, involving a cruel and unusual form of punishment, to require even a reviewer actually to read this bulky volume from cover to cover. Like the parson's egg, it is good in spots, but there are parts about which perhaps the least said the better.

Projected by the Social Science Research Council's committee on scientific method in the social sciences, special committees from seven of the learned societies have assisted in preparation of the volume. A corps of investigators has been employed in mapping out the fields to be covered, and forty-seven contributors have written analyses of a considerably larger number of studies. The slender, unifying thread in this congeries of essays is "method," but this concept is itself so vague and ambiguous that it is quite incapable of supporting the widely varying discussions. The reader suffers from a definite feeling of mental indigestion. By some of the writers, method is conceived as essentially a system of postulates or assumptions; for others, it is a criterion for the selection of subject-matter; for others, it is a technique for the acquisition of facts; for still others, it is an instrument for establishing correlations. In some cases the question of method is quite forgotten in the analyst's interest in other aspects of his subject. The volume is, in fact, little more than a "book of book reviews."

Many of the individual contributions are excellent and valuable. The reviewer knows of no exposition in English of the work of Auguste Comte which equals that of McQuilkin de Grange in this volume. Sidney Fay's review of J. B. Bury's *The Idea of Progress* is lucid and illuminating. Merle Curtis' review of the work of Frederic J. Turner is penetrating and useful, though it should be read in connection with the more critical study by B. F. Wright in the Spring, 1931, number of the *Yale Review*. Ferdinand Schevill's essay on Voltaire as an historian is a sparkling addition to our knowledge of the great eighteenth-century rationalist. Henri Pirenne, in "What Are Historians Trying to Do," really adds something to what might seem to be a threadbare theme. Lasswell's examination of the method of James Bryce is inter-

esting and suggestive, and Kimball Young's review of Frederic M. Thrasher's *Study of Gangs* is interesting and informative. On the whole, the work of the historians is superior to that of any other group.

Readers of this journal may be presumed to be particularly concerned with those contributions which relate to the province of political science. These include essays by W. Y. Elliott on "The Possibility of a Science of Politics: With Special Attention to Methods Suggested by William B. Munro and George E. G. Catlin;" by Johannes Mattern on "Problems of Method in International Law," which is essentially a review of Alfred Verdross's *Concept of the Unity of the Legal Order*; by Leon E. Truescell on "Methods Involved in the Federal Census of Population;" by E. H. Sutherland on "The Missouri Crime Survey;" by George E. G. Catlin on "Harold Gosnell's Experiments in the Stimulation of Voting"; and the one above referred to by Lasswell on "The Comparative Method of James Bryce."

Dreary wastes of this book are devoted to "attempts to determine relations among measured but experimentally uncontrolled factors," and "attempts to determine quantitative relations among measured and experimentally controlled factors." Here one finds such titles as "behavior alternatives as statistical data;" "the experimental study of attitude, meaning, and the processes antecedent to action;" "interrelations of statistical and case methods;" and "experimental determination of group influences upon mental activity." These essays bristle with the jargon of statistics, behavioristic psychology, quantitative techniques, and experimental methodology. One toils through the descriptions of the ponderous apparatus employed in the investigations reviewed with an expectancy for discoveries of signal importance, only to find that the conclusion embodies some obvious commonplace. Truly the mountain labors and brings forth only a mouse.

Underlying this volume is the assumption that social phenomena can be reduced to such scientific statement as characterizes the natural sciences. In a few instances, the contributors have raised the question of whether there is not a non-scientific element in the so-called social sciences, a normative or philosophical element. But this basic and fundamental question is nowhere fully discussed nor the implications examined. One can take his choice between an extreme behavioristic interpretation of social life which in last analysis would reduce every relationship to terms of physical and chemical reactions, or one which admits a fourth dimension of values, purpose, choice, and ends. If this fourth dimension is admitted, it so effectively alters the nature of the

problem as to restrict the use of scientific methodology to very narrow limits. For the reviewer, the future of the social sciences (?) lies not in the realm of graphs and statistical tables, not in the sphere of tests and reaction times. Rather he anticipates for the future, what has always been true in the past, a constant reciprocal influence of event and idea. Social thought will be influenced by, and will influence, social fact. New systems of ideas will emerge to meet the altered form of social institutions. And may good fortune provide the occasional genius who from an Olympian height can re-interpret the ever-changing and never-solved problem of human life and human destiny!

WALTER JAMES SHEPARD.

Ohio State University.

Hidden Springs of the Russian Revolution. BY KATERINA BRESKOVSKAIA. Edited by Lincoln Hutchinson. (Stanford University: Stanford University Press, 1931. Pp. xi, 369.)

Lenin, Red Dictator. BY GEORGE VERNADSKY. (New Haven: Yale University Press, 1931. Pp. 351.)

Pan-Sovietism. BY BRUCE C. HOPPER. (Boston: Houghton Mifflin Co. 1931. Pp. 288.)

The Soviet Planned Economic Order. BY WILLIAM H. CHAMBERLIN. (Boston: World Peace Foundation 1931. Pp. 258.)

Making Bolsheviks. BY SAMUEL N. HARTER. (Chicago: Chicago University Press, 1931. Pp. xvii, 167.)

Why Recognize Russia? BY LOUIS FISCHER. (New York: Cape and Smith, 1931. Pp. 298.)

The prevailing economic depression, which is interpreted by Soviet spokesmen as the inevitable outcome of capitalist planlessness and competition, has aroused extraordinary interest in the achievements and future prospects of the alternative economic system established in the Soviet Union. The prejudices which frequently distorted earlier American literature on this subject are gradually yielding place to objective studies based on a more thorough comprehension of the causes and aims of the Bolshevik revolution.

The political environment in which Lenin and his followers prepared for their revolutionary tasks is vividly depicted in the memoirs of "the grandmother of the Russian revolution," which, except for the concluding chapters, cover the last half of the nineteenth century. Madame Breshkovskaia, who was condemned by the Czarist government to years of exile in Siberia for her attempts to disseminate po-

litical information among the peasants, enjoyed a brief respite during the tenure of the provisional government headed by her friend and colleague, Alexander Kerenski, only to withdraw into exile once more on Lenin's advent to power. In the "dark" seventies, when the emancipation of the serfs had been practically nullified by the government's failure to provide adequate land for the liberated peasants, who gradually became a landless proletariat, Madame Breshkovskaia headed a group of young intellectuals who "went out to the people" and sought to prepare economic revolution in the villages. This group, which recruited an increasing number of adherents from the ranks of the intelligentsia despite persecution and exile, became known as the Social Revolutionary party during the political trials of 1877-78. In contrast to the Social Democratic party, organized in the nineties with Lenin's active participation, which regarded the industrial proletariat as the chief factor in a future revolution, the Social Revolutionaries maintained that the key to Russia's political future was held by the peasants. The hopelessness of massing ignorant and unorganized peasants for a final assault on autocracy is reflected in Madame Breshkovskaia's memoirs, together with an indomitable personal courage and unflinching faith in the ultimate triumph of her ideals.

The success of the Bolshevik revolution in 1917, effected with the assistance of disciplined industrial workers who constituted only a minority of the population, may be regarded as a vindication of Lenin's political judgment, even if it be argued that the disorganization created by the World War and accentuated by Kerenski's vacillating policy greatly facilitated the November *coup d'état*. Throughout his long revolutionary career, Lenin showed a remarkable sense of *realpolitik* and a readiness to adjust himself to existing circumstances without sacrificing his ultimate objectives. Undismayed by the fact that Russia was economically unprepared for the application of the Marxism designed for a highly industrialized economy, he set out to transform it from a country primarily agricultural into one primarily industrial, and to forge a "link" of common interests between peasants and factory workers. Lenin's views on the agrarian problem doubtless constitute his most significant contribution to economic theory, while their practical application since his death has already demonstrated their essential validity. Professor Vernadsky's competent, if somewhat chilly biography, is a valuable contribution to the study of recent Russian history, although, like all of Lenin's biographies, it fails to convey the

temper of the man's mind, which is nowhere so clearly revealed as in his collected works.

A graphic account of the political and economic background of the Bolshevik revolution is the conspicuous feature of Bruce Hopper's *Pan-Sovietism*, which reproduces eight lectures delivered by the author before the Lowell Institute in Boston. The book as a whole, however, is not well organized, suffers from a certain vagueness, and shows a reluctance to tackle the fundamental problems raised by the Soviet system, whether defined as state capitalism or state socialism when contrasted with private management of industry and agriculture.

A more modest task is successfully performed by William H. Chamberlin, Moscow correspondent of the *Christian Science Monitor*, who lucidly sets forth in brief compass the origins and achievements of the Five-Year Plan. With admirable objectivity, he draws up the balance-sheet of the plan after nearly three years of operation; and, while careful to point out that it is as yet too early to pass final judgment on the Soviet planned economic order, he reaches the conclusion that the Soviet Union is now definitely committed to socialism. Both advocates and opponents of planned economy will find ammunition in this first-hand study, whose value is enhanced by an appendix containing translations of important documents relating to the Five-Year Plan.

Equally objective is Professor Harper's analysis of the new social types forged in the furnace of the Bolshevik revolution, whose ability to withstand the psychological strain of the Five-Year Plan may eventually determine its failure or success. The mobilization of natural resources undertaken by the Soviet government has been accompanied by a mobilization of the human *matériel*, effected by such varied means as coercion, party discipline and "socialist competition" as well as the material stimuli known to the capitalist system. This tremendous undertaking, which sacrifices the present satisfactions of the individual to the future well-being of the community, has been made possible only by the enthusiasm of the younger generation, whose mental horizon is bounded by the revolution. Professor Harper's keen analysis of the mentality of the Communist party worker, the Young Communist, the collectivist-peasant, and others serves to clarify many points which have puzzled the average observer when confronted with the apparent inconsistencies of the Russian character.

The challenge offered by the Soviet Union to capitalist institutions

has strongly colored the policy of western countries toward the new socialist state. The exigencies of trade and politics, however, have led to the establishment of diplomatic relations with the Soviet government on the part of all important countries with the signal exception of the United States. The pros and cons of recognition are ably recapitulated by Louis Fischer, Moscow correspondent of the *Nation*, who strongly favors normal relations between the two countries. Writing in vigorous and caustic style, Mr. Fischer makes a good case for his point of view. He proves less convincing, however, when he attempts to explain the connection between the Soviet government and the Third International in a manner acceptable to the American reader.

VERA MICHELES DEAN.

*Foreign Policy Association,
New York City.*

The Labor Movement in Post-War France. BY DAVID J. SAFOSS. (New York: Columbia University Press. 1931. Pp. xviii, 508.)

This book is the fourth of the Social and Economic Studies of Post-War France prepared under the auspices of the Columbia University Council for Research in the Social Sciences, and edited by Professor Carlton J. H. Hayes. It is based on "a detailed study of a vast mass of material issued by the government and by the various agencies of the labor movement," supplemented "by intensive field work and observation of activities in the important industrial centers of France, in the form of interviews and of attendance at meetings, conventions, strikes, demonstrations, etc." The author, a member of the faculty of Brookwood Labor College, was aided by two able research assistants, Mr. A. D. Meurig Evans and Mrs. Grace M. Jaffé, each of whom prepared about a fifth of the text.

He has given to students of economic history and politics a clear and well-proportioned picture of the development of the French labor movement during the last twelve years. Though it is clear that the Confédération Générale du Travail is still the dominant force in French trade unionism, the schismatic distintegration of union labor receives adequate attention, and the principles and practices of the various groups are set forth at length. Chapter III contains a painstaking and detailed estimate of the membership of the four national confederations and of the autonomous organizations, and the figures are analyzed as to regional, industrial, and racial distribution.

The economist, *strictiori sensu*, should be especially interested in the ideological study, the labor statistics, the survey of trade-union activities and methods, the chapter on the attitude and activities of employers since the war, and the effective portrait of the development and present status of the coöperative movement in France. Of particular interest to the political scientist are the chapters which discuss the causes of the fractionalization of the labor movement and the probable tendencies of the different groups, the expansion of labor legislation, and the political activities and relations of labor organizations. To him, the stubborn factionalism exhibited by trade-unionism will appear an economic counterpart of the persistent multi-party political organization that has characterized popular government in France, and a study of the causes, manifestations, and probable tendencies of the one may throw some light on the other. One of the most notable developments of the period covered by the book has been the increasing willingness of influential labor leaders and groups to coöperate with the government in matters affecting labor, and the growing disposition to use political methods and machinery for attaining their ends. Students of political parties will welcome the author's portrayal of the Socialist and Communist parties, their activities, and their relations to each other and to labor organizations.

There are few countries where a study of the post-war labor movement would be more fascinating or more significant. "In pre-war days French trade-unionism was the bold leader of Mediterranean syndicalism; today it is the ardent imitator of Western European trade unionism." Professor Saposs has elaborated this thesis in a book that is scholarly, lucid, and interesting. If the same task could be performed for other important countries, we should have valuable material for an instructive comparative study in the field of economic politics.

A. R. ELLINGWOOD.

Northwestern University.

Contemporary Social Movements. BY JEROME DAVIS. (New York: The Century Co. 1930. Pp. 901.)

This is a book that, in spite of a somewhat curious method of editing, ought to prove really useful to those who have been searching for a convenient collection of documents and some interpretative data on the great contemporary political and social movements. Mr. Davis has

put them all in, and a miscellaneous collection of history, biography, doctrine, and political structure for each. There are socialism and communism, coöperation, fascism, internationalism ("The Peace Movement"), the British labor movement, and so on—each with a commentary by the author to which is added a rather jejune lot of textbook questions and an uncritical bibliographical apparatus.

One ought, of course, to recognize the difficulties besetting such compilation of contemporary materials. What seems chiefly to be lacking is any selective principle, or apparent scheme of values, in the arrangement. The quotations are taken from authors of the most uneven significance, and arranged as for a battle royal, with Mr. Davis' comments obtruded into some of the selections so that it is impossible to say where the quotation leaves off and the editor's comment begins. The critical apparatus seems to the reviewer to lack a real unity of perspective on the level of judgments of value, and on the other hand to be too partisan in its selection and appraisal to claim objectively scientific character.

An example or two must suffice. Those who have read *Soviet Russia in the Second Decade* will remember Mr. Davis' useful chapters on the Communist party. Yet it must be clear to the least critical reader how largely Mr. Davis has uncritically accepted Bolshevik charts and figures, both in the original essay and in bringing these chapters up to date. One who reads the chapter on the Communist party would be hard put, also, to find the inner working of the principle of hierarchy so often stressed, through the linkages of either Communist "cells" or the more formal agencies of control. The selections on Fascism use in a laudatory manner the views of Villari, well known as a sort of official apologist of the *régime*. On the other hand, the economic aspects of Fascism from the anti-fascist point of view, and a critique of its fundamental doctrines, are signally lacking. The Communist Manifesto is printed under Socialism—not Communism—perhaps because the former comes first in the arrangement of the text. And on equal terms is included a so-called one-act play by the president of the Author's League of America which purports to give some enlightenment on the difference between the various *isms* in the volume by a series of exclamatory declamations and epithets and by a *dramatis personae* conceived in the manner of the *American Mercury*. Rather strained efforts are made to link up each movement with American conditions and interests.

But when allowance has been made for the inherent difficulties of getting apt material in English on all the movements treated, the contribution of the volume is a real one. It may very usefully serve as a source-book, where library facilities do not provide the originals in handy form. And with judicious critical interpretation, it will certainly prove the most informative single volume that can be put into a student's hands—if one is ambitious to gather into a single *caravanserai* all the topics that Mr. Davis treats.

WILLIAM YANDELL ELLIOTT.

Harvard University.

Lords Versus Commons: A Century of Conflict and Compromise, 1830-1930. BY EMILY ALLYN. (New York: Century Company. 1930. Pp. x, 266.)

This book is a lucid, accurate, well-organized history of an important constitutional struggle which lent color to nineteenth-century history and causes perplexity to politicians today. A brief introduction explains the positions of the House of Lords and House of Commons after the passage of the Reform Act of 1832. A rather cursory conclusion discusses the relations between Lords and Commons since 1911. The rest of the book is a chronological account of the relations of one house to the other in the more peaceful years between.

In surveying such an intricate and detailed story in a very limited number of pages, Miss Allyn has assembled with judgment the essential facts, and has given us what will serve as the standard account of her particular subject. The careful student of the period will perhaps learn nothing new, but he will be gratified by having these particular facts so well selected and arranged. The great value for the casual student will be the realization that the Parliament Act had behind it a century of preparation.

Miss Allyn's general historical knowledge is up to date. She points out acutely the influence of the Liberal tendency to socialism in the later part of the century, and she emphasizes (as is necessary) the continuity between the reigns of Victoria, Edward, and George. Her point of view is that which most Americans find inevitable in viewing nineteenth-century England: her sympathies are with the Liberal party. But she is historically minded and open-minded, fair to everyone, and careful (perhaps too careful) neither to generalize nor to point morals.

The bibliography is a model of arrangement. Miss Allyn is a pe-

culiarly honest bibliographer; one might suggest that a wider use of newspapers and weekly magazines would have been helpful, but the only striking omission is Holland's account of the Parliament Act in his continuation of May's *Constitutional History of England*.

The American Historical Association, in arranging the publication of this and other works similar in origin, is wisely encouraging the scholar whose reputation is not yet established. Without meaning at all to disparage the value of *Lords Versus Commons*, it is possible to wish that its author might write another treatise on the same subject twenty-five years hence.

E. P. CHASE.

Lafayette College.

Major European Governments. BY P. ORMAN RAY. (Boston: Ginn and Company. 1931. Pp. 446.)

The author set himself the task of producing a book which would serve as a "starting point in the study of European governments." Even an objective so modestly stated is not easily attained when the vastness of the political phenomena of that variegated continent is considered. The five major states, Great Britain, France, Germany, Italy, and Russia—and a minor one, Switzerland—are chosen as the most significant for study. Something more than one-third of the book is given over to Great Britain, as would seem proper, and the rest equitably distributed among the others.

The choice of topics for such an exposition must, of course, depend on the conception of the writer as to what constitutes the political elements of a given state. Some would hold that the organs of legislation and administration, the statutes, and the electoral associations of the people are only the outward and visible manifestations of the state; that the more significant elements of political action are found in the political beliefs, conceptions, and philosophy of the people, and in their class divisions, economic conditions, racial traditions and *mores*. Professor Ray has confined his treatment chiefly to the former class of facts, moved doubtless in part by the necessarily severe limitations on space, and by the exigencies of the plan which he has devised for the handling of the various topics.

Another difficulty, inherent in the subject, is the instability of the state system of that old but ever new and dynamic continent. National boundaries change and that German or Russian people whose polity

he would describe today is not identical with the one of 1914. But more difficult still, Europe at this time presents the situation of its leading states in stages of transition from an old *régime* to the new and unknown. The political science, in a large measure, is one, not of the discovery and description of the organization and functioning of settled channels of political action, but of revolutionary events whose bases and significance are still largely unknown. Of the five major countries considered, only one, France, presents an easy mark for the technique of the political scientist. The central institutions of the three new types of government exemplified in Italy, Russia, and Germany, respectively, are well outlined; the new political forces in the British government, due to the break-down of the two-party system, are less adequately credited.

The author has followed well the announced purpose of the book, first, in choosing only the major features of each government for treatment—all of which have been handled with admirable clarity and accuracy; second, in appending to each chapter a list of topics and political events much after the idea of laboratory studies; and third, in providing an excellent thirty-page classified list of study materials coördinated with the text. The book as a whole presents a clear exposition of certain European governments, chiefly useful for beginners in the subject, and a comprehensive plan of study for those wishing to go further afield.

EARL L. SHOUP.

Western Reserve University.

Administration et Fonctionnaires; Essai de Doctrine Administrative.

By ALBERT HENRY. (Brussels: Lamartin. 1930. Pp. 380.)

In this volume, M. Albert Henry has admirably withstood the temptation to write a *droit administratif* of Belgium, striking out along new lines which may well serve as a model for more intimate and illuminating studies of the public services of the Continental countries. For this task M. Henry is admirably fitted by no less than twenty-six years' experience in the Belgian bureaucracy and by a supple and discerning mind which permits him also to compose a series of *croquis administratifs*, entitled *Dans l'Antrée du Cyclope*.

The present volume sets forth three general orders of ideas in public administration, dealing respectively with institutions, personnel, and methods; and uses Belgian practice to exemplify one set of solutions to

the various type problems common to them. There are few references to the administrative practice and organization of other countries, although much is said as to the difference between business and public administration.

Sketching rapidly the contents, the reader notes in the first section, dealing with institutions, several chapters devoted to administration in general, central and local administration, the internal organization of ministries (of special interest), followed by an analysis of the essential and secondary functions of the state and a brief chapter on *quasi* public organizations. Among the latter, M. Henry notes the retirement and savings fund (1850), the Belgium national bank (1850), the municipal credit corporation (1860), the national local railway company (1885), the national water company (1913), the housing corporation (1919), the industrial credit company (1919), the national war relief society (1919), the insurance fund (1926), and the national Belgian railway company (1926). The author raises the question whether these autonomous corporations mark a national reaction against the encroachment of the state on the sphere of individual liberty. The last chapter of this section expresses some shrewd observations as to the importance of a permanent body of officials in a changing world.

In the second section, devoted to personnel, the text develops the legal relations of civil servant and the state, and proceeds to some invaluable analyses of the psychology of the Belgian civil servant (Title II, chs. 8-11). Here M. Henry, in discussing the "real wages" of administrators, puts in the balance the very real, if intangible, elements of prestige (*un caractère qui les distingue de la foule*), security, and leisure. Here also is a revealing and amusing account of the reluctance of ministers to defend the service against the attacks of the press and the public, and a bold contrast between the psychology of the civil servant a century ago, anxiously scrutinizing his conduct from day to day to avoid public offense, and the contemporary recruit to the service "dominated by anarchy or indifference." Here also is a significant survey of the ill feeling between "big business" and the administration in which the author draws from Oertel and Warnotte (Institute Salvay, April-June, 1927), an ill will, the basis of which will bear consideration even in an industrial country like the United States (pp. 249-255).

M. Henry is at his best in his analysis of the social situation of civil

servants (Title II, ch. 11), proclaiming the cruel paradox flowing from their administrative position and their social rank. "Of all the virtues of authority, magnificence is that which best aids the exercise of power and which best disposes subordinates to obedience." The unfortunate official who lacks the private fortune to ensure magnificence has nevertheless the luxury of freedom of opinion, a relatively extensive leisure, and a sense of serving the permanent and general interests of the country.

The final section of the book is devoted to methods, a phase of administration which still lacks systematic treatment in the American literature. The author follows the general doctrine of M. Fayol, but is wise enough to understand that there is no contradiction between "*Fayolisme*" and "*Taylorisme*." He justly protests against the contemporary demand for industrialization of state services, but seems perhaps unduly reluctant to admit that business methods have anything of value for public offices. The contrast between public and business administration presented in Chapter 3 of Title III is ably done. Parenthetically, the perplexed student who wonders what comprises a *dossier* will find the answer on page 306 of this book.

The volume concludes with a warning that any substantial decrease in the size or cost of the administrative organization can be achieved only by a modification in policy effected by Parliament, eliminating or reducing services to which the people have become accustomed. The real promise for improvement lies in providing administrators "a life exempt from material need, adorned with public consideration, and endowed with adequate independence."

M. Henry has given us a valuable and significant work characterized by shrewd insight, critical judgment, and exceptional breadth of view. It cannot be overlooked by American students of public administration.

LEONARD D. WHITE.

University of Chicago.

A. Personnel Program for the Federal Civil Service. BY HERMAN FELDMAN. House Document No. 773, 71st Congress, 3rd Session. (Washington, D.C.: The Superintendent of Documents, Government Printing Office, 1931. Pp. ix, 289.)

This study resulted from the Welch Act of May 28, 1928, which empowered the Personnel Classification Board to examine into certain

phases of federal wage policies and administration, Professor Feldman being selected in this connection as a non-governmental investigator. The value of his suggestions may be indicated by the fact that his program apparently was composed in 1929 and that about three-fifths of it was already adopted by the government before the book emanated from the press in 1931. Consequently, the program already may be considered primarily as an historical contribution that might well enlighten a distinguished English commentator who as late as 1930, in an Oxford address, declared that "the American civil service is the worst in the world." Especially enlightening is Professor Feldman's book when read collaterally with the several works treating of civil service problems and improvements since 1920 as published by the Institute for Government Research—a recent one being P. V. Betters' study of the Personnel Classification Board itself.

Two primary objectives form the nuclei of Professor Feldman's thesis: the need of a comprehensive government wage policy, and an integrated personnel program; and the latter should include continuous personnel research. Among the recommendations that already have become actualities are those proposing an independent classification staff, modification of the retirement plan, and the Saturday half-holiday. Such actualities are noted in the footnotes, and other historical matters are presented in the text proper, such as educational activity, power of initiative, coördination, bonus, veteran preferences, transfers, and group representation. Further consideration is given to technical matters of contemporary or future interest, including the problems of a personnel program, geographical differentials, salary levels and automatic revisions, promotion, selection, placement, supervision, incentives, efficiency rating, removal, industrial hygiene, hours of work, vacations, redress of grievances, and kindred topics. The merit systems of Germany and England are considered with a view to profiting by the experience of those countries, especially the Whitley councils of Britain.

Professor Feldman's work has been written almost entirely from original sources and original observation of the civil service. It convinces by the sheer logic of that data. Yet it is not too technical to enrich the rapidly growing volume of readable literature on public administration.

MILTON CONOVER.

Yale University.

State Legislative Committees: A Study in Procedure. BY C. I. WINSLOW. (Baltimore: The Johns Hopkins Press. 1931. Series XLIX, No. 2. Pp. 158.)

Popular criticism of popular government continues unabated. The legislative department remains the target for scientific critique and unlearned blasphemy. Legislators are accused of enacting too many foolish, unnecessary, and legally defective laws; of enacting law in contempt of their own procedure and in disregard of the constitution and statutes of their state. Indeed, the procedure used for the enactment of law may have little relation to the procedure outlined by the statutes and found in the rule books.

Professor Winslow goes behind the formally stated procedure and shows how the actual practices of legislative assemblies in Pennsylvania and Maryland influence their legislative products. He asserts that "the tendency toward frequent change of recent legislation constitutes undoubtedly a criticism of legislative procedure" (p. 130). He shows by purely quantitative calculation that over half of the laws of Pennsylvania are repealed or amended within three sessions (p. 128). These figures unfortunately give no idea of the stability of much of the statute law. In the field of administrative regulation, the percentage of alteration, experimentation, and amendment is no doubt high, but in the fields of substantive law, stability remains unthreatened. Perhaps the laws enacted to care for the administrative needs of our governmental subdivisions will in the future be thought of as the minutes of some great corporation and not as statute law.

Professor Winslow's researches also show that the committee system permits the enactment of much defective legislation. For example, 104 acts were vetoed in Pennsylvania in 1929 because of alleged defects. Of this number, the governor declared eight unnecessary, forty to duplicate former enactments, twenty-one to be unconstitutional, thirteen to be inconsistent with other acts of the same session, fifteen to refer to acts formerly repealed, six to be vague, careless, ambiguous, etc. (p. 132). In order to improve conditions, the author suggests the reorganization of our legislative procedure by the elimination of useless and overlapping committees, a reduction in the number and size of standing committees, and adoption of the joint committee system in lieu of complete unicameral reorganization (p. 148). Many desirable results can no doubt be obtained under this improved procedure, but strive as we will, our government will remain "a government of men and not of laws."

Professor Winslow's monograph is a welcome addition to the materials which will provide America with a science of legislation.

F. E. HORACK.

University of Iowa.

Interstate Transmission of Electricity. BY HUGH L. ELSBREE. (Cambridge: Harvard University Press. 1931. Pp. xiv, 212.)

This study constitutes a genuine contribution to the literature of the field of public utility economics. Interstate transmission of electricity has become such a widely discussed subject that this careful monograph fills a real need for the student of utility regulation. Similar studies in regard to bus control and interstate transmission of gas are necessary. Every report of the Federal Trade Commission emphasizes the importance of interstate transmission of electricity, and the disclosures as to the intercorporate relationships of utility companies bring home the fact that a public policy must be determined in regard to interstate transmission. Mr. Elsbree's study sharpens that point, although he has not emphasized the importance of the interstate business.

It is true that a considerable debate has arisen between those who believe that the average percentage of current in interstate commerce is relatively low and those who point out that the amount of current moving across certain state lines is very high. It is also true that a single transmission rarely involves more than two states. As a matter of fact, electricity as a commodity is of such a character that it can be sold by one company to another, and inter-company arrangements are such that the present technological development of the industry is sufficient to provide for interstate transmission to a considerable percentage. Transfers are made to secure economies in holding company management, and trading of electricity is a common practice in many companies. A variation between states in percentage of interstate movement will always exist, and the question may well be asked, At what point will this problem be serious? The interstate problem is not comparable to railroads or buses or pipe lines. It is different, and to measure it in terms of railroads, as some have done, is to confuse the issue. Parent-subsidiary sales will steadily increase in the future, and the percentage of power moved across state lines will increase. This underestimation of the problem has not in any way limited the author's vigor as he has analyzed the court decisions and commissions' rulings affecting this issue.

The author has made a most painstaking analysis of the legality of non-export legislation, and his discussion of the administrative problems involved in regulating interstate utilities is most illuminating. The final chapter is concerned with "Proposed Methods of Regulation." It is on this topic that the battle has been waged. The utilities have opposed all methods. The state commissions have done likewise, although in the 1930 convention of railway and public utility commissions a changed attitude was evident. The 1929 resolution was passed again, but the discussions showed that the Parker bus bill and Couzens power bill were being accepted. The plan of joint boards discussed by Mr. Elsbree apparently had been accepted. Out of this discussion will come a modified Couzens bill which will preserve certain powers for the state commissions and at the same time set up a national agency to act when necessary. This monograph should be read by representatives of all the agencies who are concerned as partisans in this issue. It would serve to clarify their views and eliminate some of the heat which has been developed.

After all, this is an administrative matter involving the regulation of a commodity which is not subject to control at present by the state commissions. Some agency must be created if regulation is to be effective. The utilization of the existing machinery, so far as possible, is most desirable. When that can no longer be used, a new agency must be created. That has been our experience in other matters. The advocates of the old always protest, but the task of the political administrator is to determine a means by which the new problem can be solved.

This is a most valuable study. The table of cases is useful to the researcher, but it is regrettable that a bibliography was not included. It would have been of great aid to others working in this field.

F. G. CRAWFORD.

Syracuse University.

Criminal Justice in America. By ROSCOE POUND. (New York: Henry Holt & Company. 1930. Pp. xlv, 226.)

This book presents the essential text of a series of lectures delivered by Dean Pound in 1923, written out in 1929, with, as he states in his preface, an occasional reference to subsequent events, but representing what he "thought and said" in the former year. This prefatory caution Dean Pound wisely interpolates in order to prevent the public from interpreting his views as those of the Wickersham Commission, a course

scrupulously followed by most of the members of that commission.

The author first presents the point that for many reasons a new interest in the security of the state through the enforcement of restrictive law has developed in recent years; that this enforcement must meet not only difficulties inherent in all justice according to law, but a number of difficulties inherent in criminal law. Then follow an historical essay on English criminal justice up to Coke and Blackstone, and another on criminal justice in nineteenth-century America. Finally, there is a critical discussion of justice in the modern city, and at the end a sketch of the agencies and aims of improvement. With a recognition of these, "the paths of criminal justice will be made straight."

Dean Pound's working theory is that the main reason for the failure of criminal justice is that the institutions through which it is administered were devised to meet conditions in eighteenth-century rural England, and that the rise of great urban centers makes this machinery pathetically inadequate. Thus, to improve, bring things up to date! This is not the place to argue the fact basis for this theory. It is, to say the least, doubtful. But the purpose of Dean Pound's book is to bring about change through a hard-minded bar and an indifferent public, and his theory may be an effective way to get action to "make straight" the paths of criminal justice. It comes down to the question of what one tries to do. The statesman may build a superb structure of achievement even when his facts are unproved. If his argument stands the rack of the forum and his thesis is luminous and attractive to many people, he may force many reforms.

Many attitudes are taken by those who write and speak on social and political subjects. Two of them may help us here. The first is too confessedly ignorant to explain deeply laid causes, too meek to essay leadership, too poor in spirit to venture remedies. It writes of surface things because it knows it cannot write of deeper things. It tries to understand the understandable, to know the knowable, to write not only of its certitudes but of its doubts. This attitude may contribute to knowledge, but it fails in action. In spite of the promise of the Beatitudes, it does not inherit the earth. It would, in fact, be quite unhappy and perplexed with the earth on its hands.

Another is motivated by a sincere desire to change social and political institutions. It wants to experiment, to replace that which is outworn. It knows that so much is unknowable in social and political life

that by the time any fact situation is brought to light, new conditions will have arisen. Therefore, out of a vast store of knowledge, and guided by a ripe reason, it makes a selection of those facts that it considers true and builds upon them a program of reform. It seeks to convince others of the validity of these reforms. It draws conclusions, ventures prophecies, describes the way to change things. It is the attitude of statesmanship.

Dean Pound's admirable book belongs to the literature of this second attitude. It deserves wide influence. It may well be taken as the inspiration and the text for the reconstruction of criminal justice in America.

RAYMOND MOLEY.

Columbia University.

Les mesures provisoires de procédure internationale et leur influence sur le développement du droit des gens. By PAUL GUGGENHEIM. (Paris: Sirey. 1931. Pp. 198.)

Those interested in the problem of improving the procedure by which international tribunals deal with controversies coming before them will welcome Dr. Guggenheim's book as the first study which has been published treating *ex professo* the interesting and important question of provisional measures. One acquainted with the complexity of the subject-matter will admire the orderly arrangement which the author has attained.

In an introductory chapter are enumerated three factors making for wider resort to provisional measures in spite of theoretical objections that any interference with the free action of states, if it is not to be regarded as intervention, must be based upon convention or the definitive decision of a competent tribunal. These factors are: (1) the likelihood that competence for provisional measures will slip unnoticed among the powers conferred on a "collective organ of the international community" by its constituent charter, or will be developed in its practice, as by the Council of the League of Nations under Article 11 of the Covenant; (2) the spread of judicial procedure, which brings in its train such measures; and (3) the value of such measures as an aid in determining the aggressor.

Dr. Guggenheim briefly refers to the analogy of similar legal institutions in the private and public law of a number of states. From a contrast of *einstweilige Verfügung* under Article 935 of the German

Zivilprozessordnung (to assure execution of a judgment) with that under Article 940 (interim regulation of a situation with a view to prevent irreparable injury or impending violence), the author develops his distinction of provisional measures in international matters into judicial and political. This distinction is valuable provided it is kept in mind that it is not a dichotomy, and that the wide range of measures possible in the political sphere is in no sense operative to circumscribe too narrowly the scope of judicial activity.

In discussing the various cases where provisional measures have been authorized, Dr. Guggenheim proceeds from the judicial to the political. First are treated the mixed arbitral tribunals, which dealt in reality with private law claims against vanquished states, and hence, in the author's opinion, do not furnish weighty precedent for true international tribunals. Next come the arbitration conventions of the new world, especially the Bryan treaties, from which was derived Article 41 of the Statute of the Permanent Court of International Justice. From the jurisprudence of the Court in the two cases which have arisen involving that article, Dr. Guggenheim culls four "great principles": (1) provisional measures must aim at the prevention of irreparable damage; (2) they must be in concrete form, easily executable by the parties; (3) they do not depend on the state of negotiations between the parties; (4) they do not require the presence of the court of national judges. One wonders why the author esteems these particular portions of Judge Huber's language more important than others.

Article 41 of the Statute gives the Court power to indicate measures. Many European post-war arbitration treaties, such as those of Locarno, contain an agreement to abide by and accept the measures so indicated. The author anticipates that the future will see the establishment of a similar obligation to accept the provisional measures of the League of Nations under Article 11 of the Covenant, and that the Permanent Court of International Justice will sooner or later decide that a state failing to comply with provisional measures is responsible in damages.

Eighty pages suffice for the author's treatment of judicial measures and those of mixed character resulting from the arbitration agreements mentioned above. Such treaties combine the political and judicial function, being designed to preserve the peace as well as to furnish procedure for the settlement of disputes.

The remainder of the book deals with provisional measures of political character with a view to the preservation of peace as developed

under the ægis of the League of Nations. In addition to the practice of the League, the author treats the pact of guarantee of 1923 and the Geneva Protocol of 1924; the Brouckère report of 1926 and the committee of the Council of 1927; the work of the committee of arbitration and security; and the harmonization of the Covenant and the Briand-Kellogg Pact. In a concluding chapter is discussed the significance of provisional measures for the development of international law.

EDWARD DUMBAULD.

The Hague.

International Adjudications. Ancient and Modern, History and Documents, Together with Mediatorial Reports, Advisory Opinions, and the Decisions of Domestic Commissions, on International Claims. EDITED BY JOHN BASSETT MOORE. Publications of the Carnegie Endowment for International Peace. (New York: Oxford University Press. Modern Series: Volume I, 1929, pp. cxiii, 513; Volume II, 1930, pp. xv, 503; Volume III, 1931, pp. xxviii, 564.)

Of these volumes, John Bassett Moore, who has already made such great contributions to international law, says: "I am less concerned with nice classifications and exclusive categories than I am with adding as much as possible to the materials with which the international structure, may, especially on its legal side, be enlarged and strengthened and made more convenient and useful." Here as in the volumes which are to follow, the editor aims to set forth the historical, political, social, and economic, as well as the strictly legal, bases for the structure which has been developing in international adjudications. Embracing in the scope of the projected undertaking all "international arbitrations with historical and legal notes," the ancient series will begin with the earliest known arbitrations and the modern with the arbitrations under the Jay treaty of 1794. The valuable essay on the historical and legal phases of the adjudication of international disputes is a worthy introduction to this modern series (pp. xv-xci).

The first two volumes in the Modern Series cover the Saint Croix River Arbitration under the Jay treaty, 1794, which is considered as of capital importance as marking for the world at large the modern revival of the somewhat disused "practice of international arbitration," and for Great Britain and the United States the beginning of amicable determination of boundary questions. The eighty pages of documented preliminary material show the serious effort upon the part of both

sides to assure a full presentation of the case. This is followed by the complete arguments and rejoinders, hitherto unpublished, which, in nine separate discussions, total nearly eight hundred annotated pages.

While in the main the British claim was upheld by the award of the commissioners, the completeness of these documents in presenting the case in its entirety is an evidence of the great contribution Judge Moore is making to the science of international relations in its historical, political, and legal aspects. The maps, notes on the deliberations on the award, and other supplementary material, with nearly one hundred pages of index, leave little to be desired.

The third volume of this Modern Series is "Arbitration of Claims for Compensation for Losses and Damages Resulting from Lawful Impediments to the Recovery of Pre-War Debts." This arbitration was undertaken by a mixed commission under Article VI of the Jay treaty. Judge Moore has been so fortunate as to discover much material hitherto not known or not used. There are very valuable introductory notes as to the ordering of this arbitration, and as to the meaning of words and phrases. The friction which developed among the commissioners and the withdrawal of the American members on several occasions before the final break are set forth in documentary detail. Here again much new material must be noted. The reports of British commissioners for distributing the money stipulated to be paid by the United States are also given. In an appendix of about ninety pages, the loyalist claims for relief are presented. The index is comprehensive. The difficulties and infelicities of this arbitration are by this volume shown to be even greater than has commonly been supposed.

As an earnest of what is to come in other volumes of the series, all that needs to be said of these volumes is that the series, under such editorship, will be one of the great contributions to the field of international relations.

GEORGE GRAFTON WILSON.

Harvard University.

International Law: A Restatement of Principles in Conformity with Actual Practice. BY ELLERY C. STOWELL. (New York: Henry Holt and Company. 1931. Pp. xxvi, 829.)

Professor Stowell has set out to produce in this volume a work on international law which would differ from the ordinary book on the subject, and which would rest upon a very definite and distinctive

theory. In reviewing such a book, the first thing to be done is to grasp, if possible, the intention of the author, his distinctive theory; the second, to assess the value or soundness of that theory in comparison with orthodox theory; and the third, to inquire concerning the detailed execution of the plan.

Professor Stowell wanted to produce a volume based upon observed practice rather than upon predetermined principles (p. vii). And he wanted to present international law in terms of, or upon the basis of, the system of enforcement employed to make good the rules of that law (p. ix). He sees (a) enforcement by the nation upon those persons and things subject to its jurisdiction, (b) intervention by an injured state, and (c) what he calls "vicarious enforcement" as making up that system, with (d) pacific settlement of international issues as an obligation precedent to the second form of enforcement, and (e) voluntary coöperation and (f) collective intervention supplementing unilateral national enforcement. He treats of these questions in this order: a, b, e, c, d; he then treats of the procedural law applicable in b (including limitations upon the grounds, means, and objects of intervention); and he adds a treatment of f at the end. Needless to say, Professor Stowell uses the term "intervention," in the broadest sense, to include all forms of coercion.

The reviewer believes that such a complete reversal of the familiar method of presenting international law is unsound. The older books presented the substance of the law and paid little attention to the problem of enforcement, as such, presenting even the law of reprisals and war as though unrelated to the principal rights of a state. This was unscientific and unsatisfactory, but to turn to the opposite extreme is, it seems to the reviewer, to dispel or bury too deeply what is ordinarily regarded as the main substance of the law (law of peace). He agrees that some such reorientation is desirable, but surely we have outgrown Austin sufficiently to see that the normal rights of states have some standing apart from the enforcement process.

Finally, it appears to the reviewer that Professor Stowell has run the risk of confusing the student by introducing certain topics in certain places where he has introduced them. The law of treaties may logically belong under peaceful settlement of disputes, but the reviewer doubts it; is not Professor Stowell led to put it there by his elimination, or too great reduction, of the normal rights of the state in Part I? Does angary belong under the reasonableness of inter-

vention? Diplomatic and consular intercourse under intervention? Perhaps these questions indicate only that the present reviewer fails to grasp firmly or completely the logic of Professor Stowell's presentation. At all events, Professor Stowell has vigorously challenged our orthodox conception of the form and orientation of international law; he has certainly "given us something to think about."

PITMAN B. POTTER.

University of Wisconsin.

Post-War Treaties for the Pacific Settlement of International Disputes.

By MAX HABICHT. (Cambridge: Harvard University Press, 1931. Pp. xxvi, 1109.)

Habicht's *Treaties* ranks as one of the most important publications on international relations in recent years. The writer has collected and analyzed one hundred and thirty treaties signed since the Armistice in an effort to ascertain the various methods which nations are adopting to provide for peaceful settlement of their international difficulties. Publication of the treaties alone would have justified the work. The clear and valuable summary-analysis following the compilations renders the book doubly indispensable. No one attempting to follow the progress of international affairs can afford to be without this recent work published under the auspices of the Bureau of International Research of Harvard University and Radcliffe College.

The first part of the book contains the verbatim texts of the treaties. An accurate English translation accompanies the official text in each case. Where inaccuracies in language or differences in translation are observed, the author has called attention to the fact. The treaties are arranged in chronological order of signature, with the exception of the League Covenant and the Geneva Protocol, which are placed in an Annex. Unfortunately, publication was not withheld long enough to enable the author to secure the terms of thirty additional treaties, noted in the Introduction, concluded in 1928-29 after the "compilation was completed."

The second part of the book is devoted to a comparative study of the methods of pacific settlement agreed upon in the treaties. A careful analysis is made of eleven different forms of arbitration, conciliation, investigation, and judicial procedure. The author finds that the post-war treaties differ from the pre-war ones in generally authorizing the investigator to act in the additional capacity of conciliator. While

pre-war and post-war treaties contain essentially the same basic principles; recent agreements show progress and refinement. In addition to studying the forms of procedure the author has inserted an informing chapter on the reservations which different states have introduced into their pacific settlement agreements.

The commentary is followed by a good bibliography, lists of present international commissioners, and a workable index. In fine, it may be said that this book is of paramount interest to all concerned with the progress of organized international society.

NORMAN J. PADELFORD.

Colgate University.

Liberalism in Mexico. BY WILFRID HADY CALLCOTT. (Stanford University: The Stanford University Press, 1931. Pp. ix, 410.)

Mr. Callcott reviews the history of Mexico since the adoption of the constitution of 1857, basing his study for the period before the adoption of the constitution of 1917 chiefly on Mexican materials, and for the later years to a greater extent on the secondary American studies of recent developments. The discussion is elaborately documented and followed by a select bibliography. It is a valuable addition to the growing material which reflects the increasing interest of foreigners in the complex geographical, racial, economic, and political conditions with which the greatest of the Latin American republics of North America has to deal.

The treatment is chronological. There are no chapters giving a survey of what have been the objects and attainments of the various liberal movements which have been brought about or been set in course by the revolutions since 1910. This is to be regretted, for in the serial recounting of the progress or failure of the diverse social experiments in short periods—usually the administrations of the presidents—the course of each is not infrequently obscured. The reader would welcome the addition of chapters which set out topically the author's conclusions as to what are the most significant movements in Mexican liberalism, what their announced purposes have been, and what they have accomplished.

The movement for church reform, which the author has explored in greater detail than that in other branches, stands out with satisfactory clearness, as does also the effort which far-seeing Mexicans have made for the elimination of illiteracy, too often hampered by the

limitations placed on their freedom of action by politicians. The pictures are less clear as to the ideals, accomplishments, and disappointments of the movements for reform of landholding, for ameliorating the position of the laboring classes, for strengthening the local credit systems, for improvement of transportation facilities, for modification of the position of the army, for modernization of electoral methods, and for the strengthening of the budget and public finance in general.

Mr. Calcott's volume is not a propagandist treatise. He advocates no cause, but sets out as the events occur what an impartial student sees of both the victories and defeats of the social transformations which started now some two generations ago, to be stimulated in their economic aspects and retarded in others by the Diaz régime, and finally in 1910 to break out again in a new series of revolutionary activities. He is not blind to the fact that the millenium is not won in a day, to the fact that even some of those who have headed reform movements are unwise in the policies they have adopted, if not actively self-seekers, and to the fact that some of those who have been whole-souled in their enthusiasms have been attempting the impossible. For this balance, too frequently lacking in current discussions of Mexican developments, Mr. Calcott's chapters are much to be commended.

CHESTER LLOYD JONES.

University of Wisconsin.

French Public Opinion and Foreign Affairs, 1870-1914. By E. MALCOLM CARROLL. (New York: The Century Company. 1931. Pp. viii, 348.)

The importance of public opinion and the recognition of it by the principal governments of Europe was clearly shown by the many-colored war documents issued in 1914 to gain public support. Dr. Carroll, in this illuminating study of French foreign policy from the Franco-Prussian War to the World War, reveals the rôle of the press and public opinion in this most vital period of European history. It is kaleidoscopic in its presentation, and therefore somehow leaves the more vivid impression upon the reader.

The files of the European press have been exhaustively and intelligently combed. Not merely has the author utilized the widely read French journals such as the *Matin*, *Temps*, *Figaro*, *Journal des Débats*, *Petit Journal*, *Petit Parisien*, and *Écho de Paris*, but he has searched

the files of the chauvinist *Paris-Midi* and *Patrie*, the conservative *Gaulois*, the nationalist *Presse*, the radical *Lanterne*, *Rappel*, and *L'Humanité*. He has often quoted the *Dépêche* of Toulouse, the *Lyon Republicain*, and the *Petite Gironde* of Bordeaux. The English newspapers—the *London Times*, *Daily Telegraph*, and *Morning Post*—and the German *Berliner Tageblatt*, *Kölnische Zeitung*, and *Frankfurter Zeitung* have also been carefully scrutinized.

This scholarly study explodes some of the cherished myths of European diplomacy, such as the over-emphasis placed upon the Ems despatch, and illumines such incidents as the sudden and overwhelming downfall of Jules Ferry. The reader gains a clear conception of the importance of Paul Déroulède's *Ligue des Patriotes*. The more sinister rôle of the Russian subsidized press in the Balkan crisis is not minimized. The *revanche*, if interpreted as a desire for the return of Alsace-Lorraine by force of arms, is shown to have had little influence upon public opinion in causing the World War.

In spite of the vast amount of material examined and the exhaustive research indicated, the book is very readable, and the author, by his careful and logical analysis, guides the reader successfully through the tortuous paths of pre-war European diplomacy. No student of present-day Europe can afford to overlook this study.

GRAHAM H. STUART.

Stanford University.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND CONSTITUTIONAL LAW

Professor W. W. Willoughby has rendered an immeasurable service to students and teachers of government by preparing an abridged edition of his recently reviewed three-volume work, *Constitutional Law in the United States* (1929). The aim of the recent volume, *Principles of the Constitutional Law of the United States* (Baker, Voorhis and Company, pp. lxxxix, 384), is to present the important "principles of American constitutional jurisprudence in a form suitable for class-room use." In carrying out the purpose, an attempt has been made to cite the cases which not only illustrate the principles discussed in the text, but are also the most important for analysis and study by the student. In addition, the author has given attention to questions of constitutional interpretation which are still of a con-

troversial nature—as, for example, the effect of the Myers decision on the power of the President to remove the comptroller-general of the United States—as well as the more or less settled doctrines. The various chapters dealing with such topics as the division of powers between the United States and its member states, federal supremacy, separation of powers, territories, the organization and procedure of Congress, political questions, and the powers of the President are enriched by the author's previous work in the general field of political science. These portions of the book are of especial interest, as are also the chapters dealing with the organization, jurisdiction, and powers of the federal courts, due process of law, and the police power. The book is one which should be of unlimited service to the general student of American government who wishes to find an up-to-date and authoritative interpretation of the constitution, as well as to the specialist in the field of constitutional law proper. The usefulness of the book for this and other purposes is increased by numerous references to treatises and articles, by the orderly and systematic arrangement of the topics, and by the detailed analytical table of contents and index which assist the reader in looking up even the most obscure point with a minimum of effort. The larger work on which the student's edition is based was reviewed at length in this journal for August, 1930 (pp. 746-748), and the reader is referred to that source for a more complete account of Professor Willoughby's important contribution to a better understanding of the principles of the American constitutional system.

In the eighth edition of *The Tariff History of the United States* (Putnam's, pp. xii, 536), Professor F. W. Taussig has added a chapter on the tariff act of 1930 in which he discusses the conditions which led to the passage of the act, the proceedings of Congress in its enactment, the commodities affected, and the flexible provisions. The author points out that although the tariff acts from 1883 to 1922 were "explicable on the ground of some special occasion for a general revision, either an admitted need of overhauling, or a party overturn, or some financial or economic stress . . . nothing of the sort can be said in explanation of the tariff of 1930." The explanation is to be found in the agricultural situation and the demands of the farmers, who felt that they had a grievance; also there was the added factor of inefficiency and lack of leadership in Congress in handling the whole tariff question. In the

opinion of the author, the act of 1930, regarded as a whole, "must be characterized as futile." The powers and duties of the Tariff Commission remained unchanged except that the way was opened for a change in personnel. Although Professor Taussig has not lost faith in the possibilities of the Tariff Commission, there is a note of discouragement in his observations on the subject; the make-up of the commission under Presidents Harding and Coolidge "was not such as to command respect either for intellectual capacity or for judicial spirit." But he goes on to say: "All this experience, however, discouraging though it might be, was not to be set down as conclusive. Moves for improvement in our political system proceed by slow steps. There is no immediate attainment of the goal, but trial and error, sobered sense, gradual advance. The various commissions established of late by the federal government—the Interstate Commerce Commission, the Federal Trade Commission, even the Federal Reserve Board—all had this sort of history. The politicians tried to feather their nests; the 'interests' tried to shape the new political instruments to their ends. As time went on, standards became higher." Professor Taussig expresses some such hope for the Tariff Commission.

My United States (Scribner's, pp xiv, 478) is the autobiography of Mr. Frederic J. Stimson, eminent lawyer, former professor of government in Harvard University, ambassador to Argentina, and author of *Popular Law Making; Constitutions, State and Federal; The American Constitution*, and *The Constitution as it Protects Private Rights*. The first half of the book contains the personal reminiscences of the author and his general observations on public affairs, on political and social movements, and on leading personages, especially Roosevelt, Taft, Hughes, Bryan, and Wilson. The second part of the book is taken up largely with a most interesting account of the author's experiences as ambassador to Argentina during the war years and after. Here one will find accounts of intrigue and espionage that make as interesting reading as any piece of fiction, and will obtain information regarding the deficiencies of the State Department in dealing with its agents abroad, and observations on the workings of the Argentine government and on relations between the United States and South American countries. Those who wish to obtain first-hand information regarding our diplomatic service and the observations of a scholar and gentleman of the old school on public affairs, as well as those who have had the

pleasure of knowing Mr. Stimson personally, will enjoy and profit from a reading of this book.

Mr. Hiram T. Gilbert, author of the original bill proposing a unified municipal court for the city of Chicago, has prepared an interesting and exhaustive study of the workings of the court under the title *The Municipal Court of Chicago* (Published by the author, pp. xxviii, 599). The purpose of the study, as set forth by the author, "is (a) to give a brief history of the drafting and adoption of the provisions of the Municipal Court Act and of subsequent efforts to change the methods of transacting business in the courts of this state; (b) to show some of the good which has been accomplished by the court, as well as wherein it has failed to meet the just expectations of the people, and to locate to some extent the responsibility for such failure; (c) to point out some of the evils in the administration of justice in the city of Chicago which need remedying; (d) to present the provisions of the Municipal Court Act which are now in force and the rules of court adopted in pursuance thereof, together with such annotations and explanations as may be deemed more or less useful to attorneys and counsellors at law in the transaction of their business in the court, and (e) to recommend a scheme for a judicial tribunal which, if adopted and supplemented by other measures suggested, will, it is believed, make it possible to secure a prompt and proper disposition of civil as well as criminal cases." The author makes the observation that the present "method of electing judges of the Municipal Court of Chicago is a breeder of corruption," and is of the opinion that the most serious problem is the elimination of partisan political influences, especially in the process of nomination and election. Recognizing the fact that popular election is necessary under the Illinois constitution, he proposes practical methods for improving the methods of nomination and election, and also recommends that the terms of judges be increased from six to twelve years. There are also numerous suggestions, covering almost eighty pages, for methods of reorganizing the procedure and methods of the court. Although limited to a study of a court in a single city, the treatise emphasizes principles and is filled with material regarding the general problem of judicial administration in metropolitan areas.

The second volume of *The Minnesota Year Book, 1931* (pp. 392), edited under the joint auspices of the League of Minnesota Municipali-

ties and the Municipal Reference Bureau of the University of Minnesota, of which organizations Dr. Morris B. Lambie is the executive secretary and chief of staff, respectively, maintains the same high standard that was set by the first volume covering the year 1930. Although intended especially for officials and citizens of the state of Minnesota, the work contains a wealth of information and illustrative data for students of state government throughout the country. It should also furnish a model for other states to follow. Included in the material offered are explanations of the organization and activities of the state, city, village, and county governments, together with charts, diagrams, and illustrations; tables and digests of statutes regarding taxes, assessed valuations, indebtedness, special assessments, increases in taxation; data on public utilities, including a description of various plants and distribution systems; election procedure; a directory of state and local officers; and a calendar of dates which are of importance in the conduct of the state government. Especially interesting is the section devoted to the regulation of business, professions, and occupations. There are some seventy more pages of material than in the 1930 edition. Another bulletin of the University of Minnesota contains the proceedings of the *Conference on Governmental Relationships* (pp. 138), held at the University in July, 1930. The papers submitted at the conference dealing with the general question of the proper relationships between different units of government—state, county, city, village, township, and school district—in the administration of such public activities as law enforcement, public health, utility regulation, finance, and education are here presented. The most important papers are those on "The Administration of Criminal Justice," by Raymond Moley; "Local Health Organizations," by Dr. John A. Ferrell, of the Rockefeller Foundation; "Utility Regulation and Centralized Management," by E. W. Morehouse, lately of Northwestern University; "Trends in Public Utility Regulation," by John Bauer; and "The Classified Property Tax in Minnesota," by Professor S. E. Leland. The volume is edited by Morris B. Lambie.

The 1928 Campaign: An Analysis (pp. xii, 129), by Roy V. Peel and Thomas C. Donnelly, has been published by Richard R. Smith, Inc. There is more of political science in this slight volume than is contained in many a ponderous tome purporting to deal with government. The authors have set out to analyze the campaign from the pre-convention activities on through the entire course of the Hoover-Smith

struggle for the presidency. They have accomplished their purpose well. The discussion of the tactics and strategy of the conflict is particularly illuminating, and the consideration of the respective candidates' traits for leadership is revealing. The monograph is an intelligent treatment of a colorful campaign. The booklet was originally published by the New York University Book Store. In reprinting, there has been added an appendix containing the Republican and Democratic platforms, tables of votes, and a select bibliography.—E. P. H.

The Oxford University Press has brought out an account of American history by Samuel Eliot Morison and Henry S. Commanger which is based to a large extent on Professor Morison's *Oxford History of the United States*. Some fifteen new chapters have been added, and there is in some instances a somewhat different point of view as a result of the fusion of the ideas of Professor Commanger with those of the original author. *The Growth of the American Republic* (pp. vii, 956), as the new work is called, gives considerable attention to constitutional development, political theories, and legal institutions, along with the usual historical narrative. Like other works by Professor Morison, the book is good literature as well as good reading.

With a view to supplying universities and colleges with a brief discussion of the essentials of city government suitable to a single-term course, Professor Austin F. Macdonald has prepared *A Short Course in American City Government* (Thomas Y. Crowell Co., pp. ix, 470), an abridgment of his longer text, *American City Government*. Beginning with the social problems of the city, chapters on growth and history lead to a treatment of city-state relations and metropolitan government. A brief outline of "theories" of city government—division of powers, short terms, rotation of office, spoils systems, and long ballots—is preparatory to chapters on municipal framework, followed by descriptions of more specialized functions and methods—judicial, electoral, administrative, and financial. The text is readable, elementary, and conventional. "Selected references" conclude each chapter.—J. F. S.

In Smith College Studies in History (Vol. XVI, Nos. 1-2, October, 1930-January, 1930, pp. 106), Ellen Elizabeth Callahan presents *Hadley; A Study of the Political Development of a Typical New England Town from the Original Records (1659-1930)*. The author's purpose is

to trace the political development of the town from its origin to the present—not only to show the effects of social and economic pressure on local government, but to indicate the reaction of state and national issues on the politics of the community. The work is done with thoroughness, interest, and understanding.—J. F. S.

The department of political science at Williams College has issued a mimeographed *Report on the Cost of Administration of Criminal Justice in the City of Pittsfield, Massachusetts* (pp. 66), which contains not only detailed statistics on the subject but also much interesting data regarding social, economic, and political conditions in a city of moderate size. The report has been prepared by Dr. Charles Fairman and Dr. Donald C. Blaisdell, together with three undergraduates, C. F. Skeeel, W. M. Hyde, and W. C. Srieding. The booklet furnishes an example for similar investigations elsewhere.

FOREIGN AND COMPARATIVE GOVERNMENT

E. P. Dutton and Company have brought out a translation of Edmund von Glaise-Horstenau's *The Collapse of the Austro-Hungarian Empire*, by Ian F. D. Morrow (pp. 347). The scope of this volume is wider than its title might suggest. About a third of it is devoted to the activities of the subject nationalities within, and of their emigrant brethren without, the Dual Monarchy. They were trying to work up propaganda in support of independent national states which should rise on the ruins of the Hapsburg structure. So the reader will find much about the clever activities of Fereš, Masaryk, Trumbić, and the ways in which they were aided by Dr. Seton-Watson and Mr. Wickham Steed in England and by other sympathizers in the United States. For this part of his narrative, the author has evidently drawn primarily from the memoirs of the many writers whom he lists in the bibliography at the end of his volume. It is an exceedingly convenient synthesis, clear and reliable. For the rest of the work—the shifting ministries at Vienna, the friction with the German ally, the growing disaffection in the army, and the increasing hunger among the civilian population—the author can rely more upon his own personal experiences and his close contact with leading officials, as well as upon the War Archives at Vienna of which he is the director. He shows very skillfully the interaction of military and political events, and gives the reader a vivid sense of the tragedy which gradually overtook the

supporters of Emperor Charles and the old Austro-Hungarian monarchy. After these loyal officials saw the Czech, Polish, Yugoslav, Rumanian, Italian, and other nationalities growing in strength and in favor with the Entente Powers, they then had to face the defection of Turkey and Bulgaria and the Karolyi revolt in Hungary itself. World forces were at work of which men were no longer masters. The ancient Hapsburg heritage collapsed. Colonel von Glaise-Horstenau has written an excellent book. He has told the intricate story of the last two years of the war as seen from Vienna and as it affected the fate of his country. He has told it clearly and effectively, and sadly also, but without recrimination or bitterness. The breadth of his story is indicated by the fact that the sixty-four portraits, which add to its interest, include most of the leading statesmen of all the Great Powers, as well as many Austro-Hungarian lesser lights.—S. B. F.

Professor A. B. Keith's little volume on *Dominion Autonomy in Practice* (Oxford University Press, pp. 92), comprises the boiled-down essence of the distinguished author's views on the legal relations of the Dominions to the United Kingdom. It represents a revised edition of the previous condensation called *Dominion Home Rule in Practice*. The change in the title indicates the new status, which Professor Keith does not accept as tantamount to a juristic personal-union relationship. However, he does recognize certain advances along that road against which he had previously warned the Empire in his *Sovereignty of the British Dominions* (1929). The volume under review seems to be reconciled to the disappearance of several legal vestiges, although Professor Keith still maintains the formal legal unity of the Empire, so long as the Parliament at Westminster can legislate for all with the consent of the Dominions. He stresses the retention of the Great Seal in England (the Irish Free State has since got one of its own). Appeal to the Judicial Committee he thinks to be ultimately untenable against Dominion opposition; and he takes a surprisingly liberal view of the surrender of the right of disallowance over Dominion acts that might be considered to impair a loan under the Imperial (1900) Colonial Stocks Act as a trustee security in the United Kingdom. These cases, if they occur, he thinks might properly be left to the proposed inter-Imperial arbitral tribunal—which he would like to see linked to a somewhat revised and strengthened Judicial Committee of the Privy Council. Apparently he is here taking a leaf out of the American book, and falling

back on judicial review to accomplish an act that might be politically dangerous. The book is an admirable summary of the views of the leading commentator on the old constitutional system. It suffers by a legalistic emphasis where the new constitution rests positively upon the understandings worked out in definite form in the proposed Statute of Westminster. In the restricted scope, it is not to be wondered that the positive side of the functioning of imperial coöperation gets slight treatment.—W. Y. E.

Two Years of Nationalist China, by Dr. Min-Ch'ien T. Z. Tyau (Kelly and Walsh, Ltd., Shanghai, pp. £23), is regarded by authorities who have visited China recently, and have followed developments there, as the best compilation of information regarding the government and administration of that country. The author begins his work with an historical summary of the movement for national unity (1926-30). This account is followed by chapters describing the Kuomintang, or Nationalist party, and its relation to the government, and on the organization and functions of the national government. The remainder of the book is devoted to an explanation of the work of the national administration, including home affairs, foreign relations, military administration, the navy, agriculture, education, transportation, etc., and to such subjects as legislation, local government, justice, and civil service. There is an abundance of elaborate illustrations, charts, and diagrams to make the exposition more understandable, and there is an appendix containing such material as the manifesto of the first National Congress, resolutions of the third National Congress concerning political matters, important treaties, and the personnel of the national government as of June, 1930. Although the volume is materially propaganda, it is regarded on the whole as a fair-minded and accurate description of the organization, aims, and accomplishments of the national government.

Perplexed Americans, seeking to disentangle and assess the pros and cons of prohibition, will turn with eagerness to Mr. John H. Wuorinen's *The Prohibition Experiment in Finland* (Columbia University Press, pp. viii, 251). There they will find described, however, a situation so like that which confronts them at home that they will probably come off with about the same opinions or doubts with which they approached the volume. Not that Mr. Wuorinen does not treat his sub-

ject exhaustively and candidly; his book is a model of painstaking investigation, clear-headed interpretation, and cautious conclusion. He quite frankly doubts the wisdom of "legislative compulsion" as a method of dealing with the drink problem; and he certainly shows that Finland is very far from having settled the matter for herself by the prohibition law of 1917 and its later amendments. But the evidence which he advances, in most scientific fashion, to be sure, is of precisely the kind which, when brought out in respect to our own American situation, unhappily tends only to supply fresh argument almost equally for two diametrically opposed lines of social policy. Students of political science and sociology will, nevertheless, find the book of decided interest and value.

INTERNATIONAL LAW AND RELATIONS

The Anglo-Japanese Alliance (pp. 111), by Alfred L. P. Dennis, published as the first number of the first volume of the University of California's Bureau of International Relations publications, is a distinguished beginning for the series. It carries the history of the alliance up to October, 1921, and in an appendix gives the Four-Power Treaty by which the Washington Conference in 1922 provided for the termination of the Anglo-Japanese Alliance. Mr. Dennis has carefully traced the conditions which brought about the agreement of alliance of 1902 and its renewal by the treaty of alliance of 1911. Fear of Russia was played upon by both parties, he shows, but England profited by having refrained from joining the Continental powers in forcing the revision of Japan's peace-terms to China, and by having been the first European power to give up extraterritoriality in Japan. The treaty in its original form was to have extended to the whole "Far East," thus guaranteeing British interests in India as well as China, in exchange for recognition of Japan's claims to a special position in Korea. But the actual treaty did not go further than to assure neutrality of the other power in case either should be engaged in the "Extreme East" with a single belligerent, as Japan refused to underwrite the British Raj in India. However if a second foreign enemy intervened, the treaty concluded a mutually defensive alliance. American interests in the open door policy were placated, but both Germany and Russia, and to some degree France as well, saw in the treaty a potential threat. The most interesting subsequent observations of Mr. Dennis are those

which show how the feelings of the Dominions, and a natural desire also on the part of England to avoid offending the United States, led to the inclusion of Article II which was generally thought to be aimed at excluding Great Britain from any obligation to go to war with the United States—although in fact the arbitration treaty on which England was relying was rejected by the United States. Because of the real aid furnished by Japan in the transportation of Australian and New Zealand troops and the desire of those Dominions to avoid antagonizing Japan, it was the Dominion of Canada, Mr. Dennis shows, that was mainly responsible for bringing up the termination, or the supersession, of the alliance in 1921. The Imperial Conference of that year had prepared the way for the skillful diplomacy by which Lord Balfour succeeded in substituting the joint Four-Power Treaty of Guarantee, in which France and the United States were associated, for the older Anglo-Japanese alliance. Mr. Dennis' study is, within the scope attempted, a thorough and scholarly piece of work, characterized by brilliant interpretation as well as by sound research.—W. Y. E.

International Affairs, issued every two months as the Journal of the Royal Institute of International Affairs in London (Chatham House, St. James Square, S.W. 1), is one of the most useful publications on international and British imperial topics available to students. Most of its articles represent addresses to the Institute by prominent public figures, British and foreign. Unfortunately from the point of view of students, but quite understandably, many of the most confidential talks to the Institute (which only British subjects may attend) are unreported or discreetly edited. But a sufficiently "unbuttoned" attitude marks most of them to make interesting and useful background—as when Sir Malcolm Robertson explains the real stakes of Great Britain in Argentina and how they are maintained. The reviews are, on the whole, carefully and authoritatively done by competent specialists. Indeed, the utilization of experts of an unofficial character to discuss and advise on matters affecting the wide range of British imperial policy has been enormously aided by the creation of Chatham House, with its splendid library and its special study groups. Arnold J. Toynbee, Commander King-Hill, J. W. Wheeler-Bennett, and others carry out the editorial duties of the large work of the Institute, which includes the yearly *Survey of International Affairs* and the weekly *Current International Topics*. The July, 1931, issue of *International Affairs* (Vol.

X, no. 4) is a typical number. It contains articles on "The Soviet Five-Year Plan," by H. R. Knickerbocker; "The Austro-German Customs Union," by Dr. Moritz Benn; "Historical Parallels to Current International Problems," by A. J. Toynbee; a report of discussions on "Canadian-American Relations" held by the Montreal branch of the Canadian Institute of International Affairs; "The Private Manufacture of Arms, Ammunition, and Implements of War," by Colonel David Carnegie; "The International Wheat Situation," by Mr. F. L. McDougall; an account of the "Reception in Honour of Dr. Brüning and Dr. Curtius on June 8, 1931;" and the usual reviews and notices of new publications on international affairs. To American scholars, properly qualified and introduced, the library at Chatham House offers a most valuable collection both of documents and secondary materials. The greatest courtesy and all available facilities for study for a reasonable period are extended to those who have inquiries to pursue in which the Institute's library can offer special assistance.—W. Y. E.

Mr. Ray W. Irwin, author of *The Diplomatic Relations of the United States with the Barbary Powers, 1776-1816* (University of North Carolina Press, pp. 225), believes that his narrative will furnish a more comprehensive survey of the diplomatic relations between the United States and "Barbary" between 1776 and 1816 than any previous monograph has provided. He has had a splendid opportunity to make good such a claim, as he has been the first to exploit the unprinted material on the subject in the archives of the Department of State; he has used an impressive array of other printed and unprinted sources; and he has had the advantage of several very creditable studies by other investigators of various phases of those relations. Despite the opportunity, the book can scarcely be considered a serious contribution. The summary in the last chapter reveals nothing that has not been more clearly presented by C. O. Paullin, Gardner Allen, or Emile Dupuy. The body of the work presents a mass of details never subordinated to any clear perspective or built into any constructive whole; in short, it is another case where the writer has not been able to see the forest because of the trees; the result is a pedestrian stepping over sticks and logs with no clear vista anywhere in sight. The general historian of American diplomacy can get little from it. If he wants more than had already been available, he must himself go to the sources which Mr. Irwin enumerates in his bibliography. The book has been excellently printed.—S. F. B.

In *Germany and the Diplomatic Revolution: A Study in Diplomacy and the Press, 1904-1906* (University of Pennsylvania Press, pp. 233), Oron J. Hale makes an admirable cross-section of the interaction of the press and diplomacy in the period of the first Morocco crisis. This was a diplomatic revolution in the sense of grouping the Great Powers into the two hostile diplomatic combinations which clashed in 1914. The author brings to bear all that he finds in the French, English, and German newspapers and recently published documentary material. Perhaps his most interesting revelation is the legendary character of the generally accepted story that Delcassé was ousted from the Quai D'Orsay because Germany sent Count Hennekel von Donnersmarck on a special mission to Paris to demand his head. Mr. Hale shows conclusively how this legend originated in the fictitious account of the *Paris Gaulois* a few days after Delcassé's dismissal, and how it then came to be accepted by French public opinion as gospel truth. It is true that in other ways Germany had exerted some pressure for the removal of the foreign minister whom she could not trust. But the main reason why Delcassé was thrown overboard was the fact that the contemporary French press itself, led by Clemenceau and followed by the premier, M. Rouvier, feared and disapproved Delcassé's anti-German policies. Later on, the legend started by the *Gaulois*, that Germany had humiliated France by brutally interfering in her internal affairs by the demand for the removal of her foreign minister, contributed powerfully to the revival of French nationalism and to the determination to risk war rather than submit to another such humiliation.—S. B. F.

The League Committees and World Order: A Study of the Permanent Expert Committees of the League of Nations as an Instrument of International Government, by H. R. G. Greaves (Oxford University Press, pp. xii, 266), written at the Postgraduate Institute of International Studies at Geneva, represents tremendous labor in the discovery and collation of data and much painstaking and patient reflection on the part of the author. He presents here an analytical introduction; a study of more general types of technical committees (economic, financial, health, intellectual coöperation, communications and transit, labor) in Part I; and a study of more highly specialized committees (mandates, disarmament, children, opium) in Part II. A conclusion sums up the theoretical deductions of the writer. The principal issue which Mr. Greaves raises is the question whether the technical expert or the technical committee can function in the field of international

government upon a basis other than that of national government instruction. Presumably that basis would be the ideal of international social welfare plus the facts and principles of international social life, as seen and understood by the expert. The reviewer does not believe that Mr. Greaves succeeds in showing any considerable amount of escape on the part of the expert from the trammels of national political control. The situation here is about what it is in national governmental practice. It is, however, very interesting and informing to have so thorough and penetrating a study of the problem upon the international plane as that which Mr. Greaves has given us.—P. B. P.

Professor Charles Hodges has added another volume to the growing shelf of texts on international relations with his *The Background of International Relations* (John Wiley and Sons, Inc., pp. xvi, 743). The subtitle, "Our World Horizons," suggests the author's emphasis upon national interests and their repercussions on the organization of a world society. The main divisions of the book are headed "Realities," "Foundations," "Structure," "Working Forces," "World Horizons," "Consequences," "World Power." The author's style is popular, almost journalistic. There are a number of "world-affairs maps" similar to those which Professor Hodges has edited for the *League of Nations News*, and also a good many illustrations. The book suffers as a college text—though not as a book-of-the-month volume—from the author's rather frequent reliance upon generalization, and his apparent emphasis upon the literary rather than the reference value of a good many of his paragraphs. Opinions often take the place of tables or other illustrative materials. There is an encyclopedic list of readings and sources, conveniently collected at the end of the volume, but in such small print that few students will be likely to turn the pages to pursue them; while the index of less than seven pages is sufficient to cover only the most important topics in this inclusive volume.—P. B. P.

In the years during which the mandates system has been in operation, there has accumulated, primarily in the form of the reports of the mandatory powers and the minutes of the Permanent Mandates Commission, a vast mass of documentation which has, on the whole, been relatively little explored. Such exploration as there has been has tended to confine itself to the somewhat futile search for the precise location of sovereignty, and unfortunately little attention has been paid

to the substantive effect of the mandates system on colonial government. *Land Problems and Policies in the African Mandates of the British Commonwealth*, by Nick P. Mitchell, Jr. (Louisiana State University Press, pp. xvi, 155), abandons this search for sovereignty in favor of examination of a particular and crucially important aspect of the colonial and mandates problem. Much interesting material is brought to light, and the value of this mass of readily available information for the student of colonial affairs is amply demonstrated; yet Mr. Mitchell's final results are somewhat meagre. Rather surprisingly, little reference is made to the work of the Commission itself, and the reader is left in considerable doubt as to whether the fact that the areas under discussion are mandates, and not simple dependencies, is of any substantial significance.—R. E.

The Carnegie Endowment for International Peace has published a translation, by Edwin H. Zeydel, of Dr. Wilhelm Kiesselbach's *Problems of the German-American Claims Commission*. This brief analytic study of some 135 pages by the German member of the German-American Mixed Claims Commission comprises a statement of the problems faced by that body. In the original German publication, it accompanies a collection of the decisions down to 1927. The translation contains brief sketches designed to introduce and coördinate the decisions themselves. The author early asserts that his point of view is naturally coincident with his function as German commissioner. Only the most important problems which came before the Commission are touched upon. An attempt is made to indicate the importance which the Commission attached to general principles of law in its approach to the so-called American neutrality claims and to the reparations claims proper. The author stresses the work of the Commission in the direction of clarification of these problems by continual recourse to legal principles. Claims arising from matters involving private law alone, e.g., the so-called private debts, are not touched upon in detail. Beginning with an analysis of the history and duties of the Commission, Dr. Kiesselbach sketches the problems arising out of the neutrality claims, nationality of claims, *Lusitania* cases, life insurance claims, marine underwriters' claims, corporation claims, naval and military works, and includes a study of the legal doctrine of causal connection or causality in connection with the extent of Germany's obligation to compensate for damage to property.—A. E. H.

The Naval War College discussions on international law for 1929, led, as in the past, by Professor G. G. Wilson, and published by the Government Printing Office under the well-known title of *International Law Situations, 1929* (pp. 163), undertook consideration of three important situations. The first revolves around questions of foreign vessels and neutral obligations. In particular, attention is devoted to radio apparatus and radio transmission while in port. The second problem involves the status of the islands in the Pacific Ocean. This section contains an exceedingly able and valuable analysis of the rights, obligations, and status of the mandated areas in the Pacific. The documentation on this problem is the finest to be found. The third section is devoted again to questions of neutrality. A series of cases involving transportation of forces, public merchant vessels, supplying ships at sea, and use of cables is taken up. The usual case-solution method is used. This year's publication is unusually well documented, and will be found to be a very useful and valuable publication.—N. J. P.

The World Peace Foundation has published a handbook entitled *Courses on International Affairs in American Colleges* (pp. xviii, 353), edited by Farrel Symons. Professor James T. Shotwell has written an introduction outlining the development of instruction in the field of international relations, most of which has grown up since the World War. For each college there is given a brief description of the various courses and a list of instructors. There is also a table with a comparative analysis of courses by colleges and subjects. Another useful handbook in the same field is *Centers of Reference for International Affairs*, compiled by the International Institute of Intellectual Coöperation (Paris, pp. 163). The purpose of the handbook is to help the student of international affairs to discover and obtain access to the most suitable foreign sources of information on international political, economic, social, and legal problems. For each center the booklet gives a brief description of its object, organization, and activities, together with the names of its officers and a brief analysis of its principal publications.

An excellent selection of Viscount Grey's *Speeches on Foreign Affairs*. (London, George Allen and Unwin, pp. 320) has been published under the editorship of Professor Paul Knaplund, of the University of Wisconsin. The speeches cover the period from the Anglo-French entente of 1904 to the outbreak of hostilities in 1914. As would be antici-

pated, these addresses do not throw any new or valuable light upon the position or policies of Lord Grey.

POLITICAL THEORY AND MISCELLANEOUS

The Columbia University Press has published a new doctoral dissertation, *Proponents of Limited Monarchy in Sixteenth Century France: Francis Hotman and Jean Bodin* (pp. 211), by Beatrice Reynolds. The constitutional thought of these two writers is examined with constant reference to the historical events of the time a method which produces vividness in detail but prevents clarity in major respects. On the whole, this study gives evidence of a respectable amount of historical scholarship, although there are some errors, omissions, and misstatements. The checking of translated citations is difficult because adequate references to the works of the authors are lacking. It is a pleasing feature of this work that it preserves a sufficient detachment from the subject-matter not to be carried away by the personal achievements of Hotman and Bodin into an uncritical praise. The following statement is characteristic of the author's good critical judgment: "I had selected these two [Hotman and Bodin] as antitheses; one as a Huguenot defending self-government, the other as a Romanist defending absolutism. But as the work progressed it seemed that the contrast was less clear cut" (p. 106). They were both, in the mature opinion of the author, proponents of limited monarchy. In accordance with this view, she puts forward distinctly the aspects of Bodin which show that he was quite wavering in his absolutism, yet she states clearly the ultimately absolutist implications of his thought. However, some of her other conclusions will hardly be accepted, as for example the statement: "The mind of Hotman was incomparably clearer and more logical than the mind of Rousseau" (p. 194). The use of concepts is not as careful as one might expect from a study in the history of ideas. Basic distinctions are lost when words like government and state are used indiscriminately and interchangeably. Although on the whole the translation of the Latin texts is well done, there are instances where the connection between text fragment and translation is not apparent. The book has an adequate selective bibliography and a table of contents.—C. J. F.

Martinus Nyhoff has published a *Kritische Darstellung der Staatslehre* (Haag, pp. xii, 337) by the venerable Mr. H. Krabbe. The book, written in German, undertakes to evaluate critically the content of the

doctrine of the state (*Staatslehre*) from the point of view of Krabbe's own doctrine of the sovereignty of law. The amount of space devoted to the various thinkers is to a considerable extent determined by this approach to the subject-matter. No pretense is made of presenting new material concerning any of the thinkers who are taken up. The chapters deal consecutively with "Ideas of the State in Greek Antiquity," "Medieval Doctrine of the State," "The Doctrine of the State after the Renaissance" [Machiavelli, Bodin, Monarchomachs, Althusius], "The Influence of Natural Law upon the Doctrine of the State" [Grotius, Hobbes, Spinoza, Thomasius, Wolff], "Theocracy and Popular Sovereignty in the Seventeenth and Eighteenth Centuries" [Bossuet, Fenelon, Milton, Rousseau], "The Doctrine of the Separation of Powers," "The Constitutional System," "The Historical School," "The Theocratic School," "The Purpose of the State," and finally "Society and the State." The author ends with a note upon the socialistic trend of our day, emphasizing the necessity of a corresponding responsibility and sense of duty. "The position which the state occupies with reference to production and distribution of goods contains without doubt a socialistic or communistic element." But "the rapidity of progress depends upon the extent to which a sense of duty permeates all layers of society . . ." The community has begun to extend its sphere of vital activity by entering into the realm of production. But this expansion must go together with a certain maturity of society in the fulfillment of duty. The community itself can further this process by its legal order but little; the driving forces, whether economic, religious, intellectual, or biological, generate in society itself.—C. J. F.

Deportation of Aliens (Columbia University Press, pp. 524), by Jane Perry Clark, is a timely study devoted largely to the interpretation of the deportation law and its administration. While there is considerable literature dealing with the political, constitutional and other aspects of deportation, this material is a welcome contribution to a field which has received rather scanty attention in recent years. After a brief sketch of the development of the deportation law from colonial beginnings to the present, the author proceeds to interpret the exclusion law by an analysis of judicial decisions and administrative findings. Included in this discussion are the legislative provisions relating to prospective and actual public charges, criminals involved in moral turpitude, anarchists, prostitutes, "other undesirables," and illegal entries.

Following a chapter on administrative standards and methods, there is an exposition of the legal steps in the deportation process from the initial stage of issuing the preliminary statements that often precede the warrant of arrest until the warrant of deportation is executed. Miss Clark concludes that "the present procedure for the deportation of aliens is a hybrid mixture of statutory rule, delegated administrative regulation, and administrative interpretation of statutory construction" (p. 323). Legislative proposals to establish a five-year standard of limitation for deportation from the United States, to codify the deportation law, to prevent the deportation of children alone and unaccompanied, are among the changes suggested. As remedial measures against possible abuses of executive power, the writer favors proposals commonly advanced, such as the improvement in the quality and number of the personnel of the service and the strengthening of the powers of the board of review. The treatise contains a representative group of actual cases that have come before the deportation agencies. While these cases are of some assistance in clarifying the law, their value as guides to the law is greatly impaired by the failure of executive officers to give adequate statement of the reasons for their findings. The book is expository rather than critical in character. It is well written, and it is an excellent presentation of an important subject.—N. A.

The University of Chicago Press has published the lectures given in 1929 on the Harris Foundation by U. Gini, S. Nasu, R. R. Kuczynski, and O. E. Baker under the title of *Population* (pp. x, 312). Although these lectures by four international authorities are on a subject primarily of interest to the economist and sociologist, they nevertheless contain much material which bears on the problems—particularly in the field of international relations—of the political scientist. Gini here summarizes in English his theory of the cyclical rise and fall of populations, a theory in the support of which he has "for the past twenty years and more . . . tried to collect facts and arguments." He attacks the basic Malthusian hypothesis that the reproductive powers of populations remain constant throughout their generations, and contends that typically the *potestas generandi* of a nation waxes and later wanes. A "new" or "revived" nation is declared to be the rarely fortunate consequence of cross-breeding—due to immigration, conquest, or some other factor—a process more frequently unhappy in its results. Such a

race is marked by unusual physical and mental vigor, resulting in, among other things, a high birth-rate. There follows a period of national evolution which is marked by the ultimate progressive decline—chiefly, Gini believes, due to biological weakening—of the birth-rate. This phenomenon first appears among the more successful, and therefore more exhausted, classes. The tendency is not only basically due to Neo-Malthusian practices, but is incapable of being checked by the prescriptions of the eugenicist. The end, unless a lucky cross-breeding brings a rebirth, must be national death, either violent or natural. Unfortunately the former is more likely, since a moribund people usually attempts to prevent the peaceful taking over of its assets by a rising folk and the latter impatiently help themselves. Gini believes that the populations of western, northern, and central Europe, as well, probably, as those of the United States, are generally on the decline. The southern and eastern Europeans, on the other hand, are still increasing in numbers, though these nations are probably more mature than many outside of Europe. Gini refrains from prognosticating the outcome of this situation, though he does patriotically express the “hope—and more than the hope, the intimate feeling which many have—that the Italian nation is now renewing itself to write new and glorious pages in its history.” Nasu, who is professor in the Imperial University of Tokyo, writes on “Population and the Food Supply,” and in this connection offers an ingenious argument for the removal of barriers to international migration. His most cogent points are that overpopulation is relative to the standard of living, the raising of which is in general precedent to a slowing-down of population increase; and that international coöperation, rather than nationalistic exclusion, is required for the lifting of living standards in countries where numbers are still rapidly rising. Baker’s discussion of “The Trend of Agricultural Production in North America and its Relation to Europe and Asia” is in reality an admirable account of the recent agricultural history of the United States. As such, it merits careful reading. Kuczynski’s brief contribution is an estimate of “The World’s Future Population.”—K. W. B. and N. C.

The University of North Carolina Press has published a study entitled *Illiteracy in the United States*, by Sanford Winston (pp. xii, 168). The general problem is dealt with in Part I, consisting of nine chapters. By a thorough analysis of census statistics, the author demon-

strates not only our decreasing illiteracy rate, but also the correlation between illiteracy and sex, age, urban and rural environments, race and nationality, and school systems. The eighth chapter is devoted to the adjustment of census illiteracy rates for the respective states by "the method of standard population." The last eight chapters (Part II) treat of illiteracy in relation to certain social phenomena. Illiteracy rates, high birth rates, and high infant mortality rates go together. There is a positive relationship between illiteracy and early marriage. Illiteracy in its relationship to size of family, mobility, suicide, urbanization, *et al.*, is shown by painstaking correlations. As in Part I, there is an excellent chapter in summary. The book contains two appendices and a bibliography. The first appendix explains the methodology employed by the author in his analysis; the second contains supplementary tables. This is a timely book in view of the national campaign to eradicate illiteracy. The most comprehensive analysis yet made of illiteracy statistics in the United States lies between its covers. To the political scientist primarily interested in the sociological aspect of his field, this book will be of value.—A. W. B.

The University of Chicago Press has published a second edition of Charles E. Merriam's *New Aspects of Politics* (pp. xxxiii, 253). The body of the book remains the same as in the first impression, but the author has written a new preface of fifteen pages which contains an essay on tendencies in political science during the last five years. "Summing up the tendencies evident during the last few years," writes Professor Merriam, "we find an impressive development of interest and activity in social science, a freer interpenetration of the several branches of social research, a tendency toward bridging the gap between social science and the biological and medical sciences and toward building an integrated study of human behavior, increasing attention to the material and method of political science and to the mechanisms for the prosecution of research. Still more specific trends are those in the direction of quantification, toward study of the physical and psychiatric aspects of political personality and behavior, toward more realistic study of such devices as propaganda, the ways of pressure groups, the new forms of industry-political organization, the inevitable and symptomatic protest against over-mechanization and methodological emphasis, and finally the faint signs of a revival of interest in the logic and philosophy of politics. On the practical side,

there has been evident a powerful trend toward more effective organization and exchange of the information and experience of governing officials and research groups generally."

Although *A New Exposition of Money, Credit and Prices*, by J. Lawrence Laughlin (University of Chicago Press, two volumes, pp. xxiv, 521; xv, 766), is primarily a study in economics, there are a number of chapters on subjects which are closely allied to certain fields of government, especially political movements, legislation, and administration. In the chapters on "Gold and Silver in the United States" (Vol. I, chapter ix) and "Government Issues in the United States" (Vol. II, chapter x), the reader will find an interesting account of the influence of monetary problems on American politics and legislation. The chapters on "The Development of Credit in the Two Banks of the United States" (Vol. II, chapter viii), "State Banks in the United States" (Vol. II, chapter ix), and especially those on "The National Banking System" (Vol. II, chapter xii) and "The Federal Reserve System" (Vol. II, chapter xv) make clear the interplay of politics, economics, and administration, and contain a wealth of illustrative material. The book as a whole is very timely in view of the present financial depression, and the chapters on British currency are of particular interest because of the recent departure from the gold standard.

The third edition of Walter Jellinek's *Verwaltungsrecht (Enzyklopädie der Rechts- und Staatswissenschaft, Vol. XXV; Berlin, 1931, pp. 571; 1st ed., 1927)* has, in addition to some minor alterations, brought this comprehensive treatise on modern German administrative law up to date, e.g., with respect to the latest developments in Prussian police law. The *Verwaltungsrecht* which, after the "classical" works of O. Mayer and F. Fleiner, and the modern theoretical study of A. Merkl (*Allgemeines Verwaltungsrecht, Wien und Berlin, 1927*), has deservedly come to occupy the most conspicuous place in the German literature on the subject should be recognized as an invaluable reference work by American students of Continental government. In addition to the admirably digested wealth of practical material (covering the whole range of statutes, case law, and related literature), all the pertinent phases of legal theory are dealt with critically. The author's own attitude is largely based on O. Mayer, as in his definition of the function of "administration;" although his former distinguished theoretical studies (in particular his *Gesetz, Gesetzesanwendung und*

Zweckmässigkeitserwägung, 1913) have prevented him from lapsing into a mere eclecticism.—W. H. K.

It is a far cry from evaporation of salts in an inland sea in Permian times to the latest style in semi-socialism. But Professor G. W. Stocking, in *The Potash Industry* (Richard B. Smith, Inc., pp. 339), makes that cry, with extra yelps at German mercantilism and corporate structure for good measure. He traces, in detail but clearly, the German potash syndicate through successive stages of semi-official state control from 1879 to 1910, a compulsory syndicate from 1910 to 1921, and a "Socialist" organization which paradoxically left room for "The Triumph of Business Enterprise." Those Americans who want a government quota in our petroleum industry will be richly repaid if they read about the potash quotas before they draft their statutes. The poorly drawn pre-war potash laws encouraged sinking shafts to obtain quotas though the shafts were uneconomic. Since the war, social control by the Potash Council representing employers, workers, consumers, and the state, has been valuable in closing inefficient mines, but of more use in raising than lowering prices. Despite these discouraging sides of the German syndicate, Mr. Stocking concludes with a hope that proper syndicate control may help an infant American potash industry to compete with sexagenarian German and Alsatian sisters. He does not advise the exact form of syndicate, but his earlier chapters show several forms which it would be wise for us to avoid.—G. C. S. B.

Origins of the Early English Maritime and Commercial Law, by Frederic Rockwell Sanborn (The Century Co., pp. xxii, 424), is a publication of the American Historical Association, and is the first history in English of early maritime law. The author traces the continuity of development from the Roman days to the beginning of the sixteenth century, i.e., the close of the mediaeval period. He shows the legal tradition passing from the later Roman Empire to the western maritime cities, and in turn to the rest of western Europe. It is clear that the tradition had to be modified and adapted to the new conditions and new needs of society from the eleventh century on. However, the story of this change and adaptation in this study is not so much a history as an historiography, to use Croce's distinction. There is a close interconnection during this period between maritime and commercial law, but the reviewer doubts the wisdom of tracing the development of each separately in parallel pairs of chapters, as in this study. On the whole,

the work is remarkable for its skillful analysis and the good handling of materials. The author is a student of both Continental and English authorities. This, together with his affectionate interest in the subject, went into making this work a scholarly achievement of no mean order.—S. P. L.

The Problem of Unemployment, by Paul Douglas and Aaron Director (The Macmillan Co., pp. 500), reviews economic aspects of unemployment and the business cycle ranging from Fisher's stabilization of prices and Federal Reserve Board credit policy to the closer-to-title matters of cyclical, seasonal, and technological unemployment. An interesting, though admittedly fallible, statistical analysis of unemployment costs outlines in deep black lines the monstrous shape of the problem. Pure theory then lightens the gloom by leading to the conclusion that permanent technological unemployment is impossible. Political scientists will be especially interested in the latter half of the book, which discusses placement of labor and unemployment insurance in several countries, especially England and Germany. Public employment exchanges and state-compelled, but not state-administered, unemployment insurance emerge triumphant from the crucible of discussion. For knowledge of detailed administrative difficulties like the immobility of working population and part-time workers in England, the reader must supplement the book with current articles of a less purely economic viewpoint than the sources consulted by the authors. Nevertheless, if you want to lecture to the Rotarians or to your students, or even chat with your friends, on any aspect of unemployment, a little digging in this valuable compendium will give you a sound talking basis.—G. C. S. B.

With his usual ease of expression, irony, and keenness of observation, Brand Whitlock has set forth his views on the Eighteenth Amendment and national prohibition in a small book entitled *The Little Green Shutter* (Appleton, pp. 157). As in his *Forty Years of It*, the author stresses the fact that no statute can really become a law or be enforced unless it has public opinion behind it, and lays emphasis on the futility of attempting to improve morals by legislation. In his opinion, drinking has increased rather than decreased, with the federal prohibition act taking the place of "the green shutter" of the old saloon as a means of shielding from public view the individual who wishes to quench his thirst rather than deterring him.

Labor Fact Book (International Publishers, pp. 216) gives a chance to view Communist public opinion at its birth. Selection of material is evident in treatment of imperialism, profits, "speed up," negro workers, injunctions, etc., and ignoring of philanthropy, education, and standards of living. By the marvelous associative powers of Communist propagandists, most of American industry is linked to the House of Morgan. Government officials are damned by reference to some reprehensible action of a corporation with which they were once connected. These techniques of opinion control sting the more sharply because there is much truth in the book.—G. C. S. B.

The Cotton Trade and Industrial Lancashire, 1600-1780, by Alfred P. Wadsworth and Julia De Lacy Mann (Manchester University Press, pp. 539), is a volume which deals in detail with one of the great English industries on the eve of the Industrial Revolution. It describes the emergence of cotton as a rural industry in Lancashire during the sixteenth and seventeenth centuries, with some account of the parallel growth of the woolen trade during the same years. Then the book proceeds to outline the place of cotton goods in European commerce during the eighteenth century and sketches the development of the trade in England from 1700 to the incoming of the machine age. Various chapters describe the forms of capitalist organization into which the cotton industry was cast and deal with different aspects of working-class life in the pre-factory period. Toward the close of the volume, there is a good discussion of the earlier mechanical inventions in spinning and weaving.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CHARLES M. KNEIER AND CHARLES S. HYNEMAN

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

- Anonymous.* The mirrors of 1932. Pp. 247. N. Y.: Brewer, Warren & Putnam.
- Anonymous.* Washington merry-go-round. Pp. 366. N. Y.: Liveright.
- Barrett, Don C.* The greenbacks and resumption of specie payments, 1862-1872. Cambridge: Harvard Univ. Press.
- Beck, Herbert M.* America for Americans (Pamphlet). Philadelphia: Geo. H. Buchanan Co.
- Butler, H. B.* Unemployment problems in the United States. Pp. 112. London: P. S. King.
- Chinard, Gilbert,* ed. The correspondence of Jefferson and Du Pont de Nemours. Pp. 417. Baltimore: Johns Hopkins Press.
- Clark, Jane P.* Deportation of aliens from the United States to Europe. Pp. 524. N. Y.: Columbia Univ. Press.
- Diffie, Bailey W. and Justine White.* Porto Rico: a broken pledge. N. Y.: Vanguard Press.
- Fight for Civil liberty, 1930-1931. (Pamphlet). N. Y.: Am. Civil Liberties Union.
- Hart, A. B., and Schuyler, W. M.,* eds. The American year book 1930. Pp. 887. N. Y.: Amer. Year Book Corp.
- Ho, Hsuehchao.* A study of the probable effects of the Hawley-Smoot tariff of 1930. N. Y.: Free Trade League.
- Hubachek, F. R.* The constitutionality of small loan legislation (Pamphlet). N. Y.: Russell Sage Found.
- Kelly, Clyde.* United States postal policy. N. Y.: Appleton.
- Kötzschke, Richard.* Thomas Woodrow Wilson. Pp. xi+274. Dresden: Wolfgang Jess.
- Laidler, Harry W.* Unemployment and its remedies (Pamphlet). N. Y.: League for Industrial Democracy.
- Lehman, L.* The American illusion. Pp. 263. N. Y.: Appleton.
- Logan, D. M.* The structure of Oklahoma government. Pp. 219. Oklahoma City: Harlow Pub. Co.
- Lynskey, Elizabeth M.* Porto Rico and the United States (Pamphlet). Washington: Catholic Assoc. for Int. Peace.
- McCarthy, C. J.* Facts pertinent to American citizenship (Pamphlet). Elizabeth (N. J.): The Author.
- Merriam, Charles E.* The written constitution and the unwritten attitude. N. Y.: R. R. Smith.
- Orth, Samuel P., and Cushman, Robert E.* American national government. Pp. xi+766. N. Y.: F. S. Crofts.

Owsiey, F. L. King cotton diplomacy; foreign relations of the Confederate states of America. Pp. 628. Chicago: Univ. of Chicago Press.

Owsiey, F. L. State rights in the confederacy. Chicago: Univ. of Chicago Press.

Patterson, Ernest M. Elements of an American foreign policy. Philadelphia: Am. Acad. of Pol. and Soc. Sci.

Pepper, George W. Family quarrels; the president, the senate, the house. N. Y.: Baker, Voorhis & Co.

Sanchez, Nellie V. Stories of the states. N. Y.: Crowell.

Sibley, Robert. America's answer to the Russian challenge. San Francisco: Farallon Press.

Silverman, H. A. Taxation; its incidence and effects. Pp. 378. N. Y.: Macmillan.

Smith, P. S. A new approach to the American constitution. Pp. 150. Whittier (Calif.): Calart Pub. House.

State water plan, The. Pp. 132. San Francisco: Commonwealth Club of Calif.

Stocking, George W. The potash industry: a study in state control. N. Y.: R. R. Smith.

Swift, F. H. Federal and state policies in public school finance in the United States. Pp. 489. Boston: Ginn.

Warren, Charles. Jacobin and Junto. Cambridge: Harvard Univ. Press.

Articles

- **Administrative Discretion.** The need for administrative discretion in the regulation of the practice of medicine. *H. F. Holt.* Cornell Law Quar. June, 1931.

———. Liability of officers with discretionary powers for error in exercise of judgment. *J. B. F. Va. Law Rev.* June, 1931.

Administrative Organization. Maine's administrative code. *E. F. Dow.* Nat. Mun. Rev. Sept., 1931.

Aviation. Extent of power of congress over aviation. *A. H. Tuttle and D. E. Bennett.* Cincinnati Law Rev. May, 1931.

———. Validity of state air traffic regulations. *S. T. Simon.* Air Law Rev. July, 1931.

———. Charting the sea and the air. *W. R. Gherardi.* Scientific Mo. Aug., 1931.

Bank Deposit Guaranty. The failure of bank guaranty plans. *David McCahan.* Outlook. July 22, 1931.

Banking. Banking legislation. *George V. McLaughlin.* Bankers Mag. Aug., 1931.

Bankruptcy. The bankruptcy law and its amendment. *Walter D. Coles.* Com. Law League Jour. July, 1931.

Bill. Mussolini of Mississippi. *Louis Cochran.* Outlook. June 17, 1931.

Billboard Regulation. The Massachusetts billboard cases. *Albert S. Bard.* Nat. Mun. Rev. Aug., 1931.

Centralization. Centralization of power in government. *O. R. McGuire.* Am. Bar. Assoc. Jour. Aug., 1931.

———. State centralization in North Carolina. *Paul W. Wager*. *Nat. Mun. Rev.* Sept., 1931.

Commerce Clause. State regulation of carriers by motor vehicle as affected by the federal constitution. *F. H. Davison*. *Idaho Law Jour.* May, 1931.

———. State regulation of interstate busses—proposed federal control. *Legislation Editor*. *Columbia Law Rev.* June, 1931.

Congress. The Burnt district. *G. J. Clarke*. *Indiana Mag. Hist.* June, 1931.

———. The next speaker. *Oliver McKee, Jr.* *N. Am. Rev.* Aug., 1931.

———. The making of laws. *George H. Moses*. *Sat. Eve. Post*. Aug. 22, 1931.

———. Federal legislation of 1931. *Symposium*. *Am. Bar. Assoc. Jour.* Oct., 1931.

Constitutional Amendment. The betrayal of a sacred trust. *Benjamin S. Dean*. Amend article V. *G. N. Westervelt*. *Lawyer and Banker*. May-June, 1931.

———. Are there any limitations upon power to amend the United States constitution? *G. W. Williams*. *Temple Law Quar.* June, 1931.

Constitutional Law. Power of the Ohio Supreme Court to declare laws unconstitutional. *Carl L. Meier*. *Cincinnati Law Rev.* May, 1931.

———. Full faith and credit for judgments confessed by attorney. *Note Editor*. *Harvard Law Rev.* June, 1931.

———. Due process and the employment contract. *Legislation Editor*. *Harvard Law Rev.* June, 1931.

———. Equity jurisdiction over issues involving title to office. *S. R. B. Va.* *Law Rev.* June, 1931.

———. The rise and fall of constitutional doctrine. *E. F. Albertsworth*. *Am. Bar Assoc. Jour.* July, 1931.

———. State constitutional law in 1930-31. *Oliver P. Field*. *Am. Pol. Sci. Rev.* Aug., 1931.

Contempt. The summary power to punish for contempt. *Walter Nelles*. *Columbia Law Rev.* June, 1931.

Corrupt Practices Act. The gubernatorial campaign of 1930 and the corrupt practices act. *Mildred Cline*. *Commonwealth Rev.* July, 1931.

Direct Primary. The direct primary—a failure and a threat. *Oliver McKee, Jr.* *Atlan. Mo.* Aug., 1931.

Diversity Jurisdiction. The effect of multiple incorporation on access to the federal courts. *Note Editor*. *Harvard Law Rev.* May, 1931.

———. A note on diversity jurisdiction—in reply to Professor Yntema. *Felix Frankfurter*. *Pa. Law Rev.* June, 1931.

Emergency Legislation. The emergency epidemic. *C. A. M. Ewing*. *State Govt.* July, 1931.

Farm Relief. After two years of farm relief. *A. C. Hoffman*. *New Repub.* July 1, 1931.

———. The great dirt conspiracy. *W. B. Pitkin*. *Forum*. Aug., 1931.

Federal Aid. Recent trends in federal aid to the states. *A. F. Macdonald*. *Am. Pol. Sci. Rev.* Aug., 1931.

Federal Reserve System. The federal reserve act and federal reserve policies. *S. E. Harris*. *Quar. Jour. Econ.* May, 1931.

———. Wall street or Washington. *J. M. Daiger*. *World's Work*. Aug., 1931.

Food and Drug Act. What the food and drug administration does. *T. S. Harding*. Scientific Mo. June, 1931.

Foreign Policy. Our foreign policy in the looking glass. *R. B. Fosdick*. Atlan. Mo. Aug., 1931.

———. Our still dubious foreign policy. *Lewis Einstein*. N. Am. Rev. Sept., 1931.

Foreign Service. The Moses-Linthicum act on the foreign service. *Ellery C. Stowell*. Am. Jour. Int. Law. July, 1931.

Franklin D. Roosevelt. Roosevelt the favorite. *Editor*. Outlook. Sept. 9, 1931.

Government and Business. Hidden subsidies. *F. W. Sargent*. World's Work. July, 1931.

Governmental Expenditures. Government crosses the divide. *Merle Thorpe*. Sat. Eve. Post. June 6, 1931.

———. Spending public moneys. *Samuel Crowther*. Sat. Eve. Post, July 11, 1931.

———. The fiscal spectre. *Joseph S. Lawrence*. Bankers Mag. Aug., 1931.

———. Excessive cost of government. *Franklin D. Roosevelt*. Bankers Mag. Aug., 1931.

Governmental Publicity. Uncle Sam's ballyhoo men. *J. F. Essary*. Am. Mercury. Aug., 1931.

Governor. Governors and legislatures. *G. H. Derz*. State Govt. Aug., 1931.

Harrison. The gadfly in the senate. *Louis Cochran*. Outlook. Aug. 5, 1931.

Highways. Townless highways for the motorist. *Benton Mackaye* and *Lewis Mumford*. Harper's. Aug., 1931.

• **Hoover.** President Hoover's record. I. The tragedy of Herbert Hoover. *Oswald Garrison Villard*. II. President Hoover's foreign policy. *John B. Whitton*. III. The President's economics. *Henry Raymond Massey*. IV. The President and unemployment. *Robert M. LaFollette*. V. Mr. Hoover's appointments. *Charles A. Beard*. VI. Mr. Hoover's "Noble Experiment." *Peter H. Odegard*. VII and VIII. Hoover and power. *Amos Pinchot*. IX. Hoover: the politician. *Paul Y. Anderson*. X. Hoover as individualist. *William Hard*. Nation. June 24-Aug. 26, 1931.

———. President Hoover's two years. *Arthur Krock*. Current Hist. July, 1931.

———. Mr. Hoover's sins of commissions. *Silas Bent*. Scribner's. July, 1931.

———. Mr. Hoover achieves a moratorium. *Herbert Brucker*. Rev. of Revs. Aug., 1931.

———. All quiet on the Rapidan. *J. S. Gregory*. Outlook. Aug. 5, 1931.

Immigration. Due process restrictions on procedure in alien exclusion and deportation cases. *Note Editor*. Columbia Law Rev. June, 1931.

———. Statutory construction in deportation cases. *Case and Comment Editor*. Yale Law Jour. June, 1931.

———. The voyage of the Buford. *Emma Goldman*. Am. Mercury. July, 1931.

———. Some aspects of procedure in deportation matters. *Edward Miller*. Rocky Mt. Law Rev. June, 1931.

Impeachment. A proposed constitutional amendment concerning impeachment proceedings. *Hiram Bingham*. U. S. Law Rev. June, 1931.

Indians. The legal status of Indian suffrage in the United States. *N. D. Houghton*. Calif. Law Rev. July, 1931.

———. Senators investigate Indians. *Erna Fergusson*. Am. Mercury. Aug., 1931.

Industrial Disputes. Governmental adjustment of Colorado's industrial disputes: 1915-1930. *T. B. Fry*. Rocky Mt. Law Rev. June, 1931.

Interstate Relations. Delaware diversion case. *Thomas Penney Jr.* N. Y. Bar Assoc. Bull. June, 1931.

Judicial Council. The Idaho judicial council. *D. E. Brinck*. Idaho Law Jour. May, 1931.

———. Judicial councils as a help to justice. *J. G. Shapiro*. Com. Law League Jour. June, 1931.

———. The work done by judicial councils. *J. C. Ruppenthal*. Jour. Am. Judic. Soc. June, Aug., 1931.

Judiciary. Various ways of selecting judges. *Symposium*: Jour. Am. Judicature Soc. Aug., 1931.

———. A study of the organization of litigation and of the jury trial in the supreme court of New York City. *Wm. M. Wherry*. N. Y. Univ. Law Quar. Rev. June, 1931.

———. Politics and the Mooney case. *M. A. De Ford*. Outlook. Sept. 2, 1931.

———. Appointment of federal judges. *W. D. Mitchell*. Am. Bar Assoc. Jour. Sept., 1931.

———. Use and abuse of contempt commitments. *L. R. Yanwich*. U. S. Law Rev. Sept., 1931.

Labor. Ohio's anti-yellow-dog contract law. *T. J. Donnelly*. Am. Federationist. Aug., 1931.

———. Statutes outlawing yellow dog contracts. *Ambrose Doskow*. Am. Bar Assoc. Jour. Aug., 1931.

Law Enforcement. A central registry office for forensic firearm identification. *B. Craft*. Am. Jour. Police Science. May-June, 1931.

Legislation. Legislative drafting and law enforcement. *Joseph P. Chamberlain*. Am. Labor Legis. Rev. June, 1931.

———. Extraconstitutional limitations on legislative power. *W. F. Dodd*. Yale Law Jour. June, 1931.

———. The tyranny of minorities in American life. *Current Hist.* July, 1931.

———. Special legislation in Georgia. *T. F. Green, Jr.* Ga. Lawyer. Sept., 1931.

———. Legislation and the effectiveness of law. *John Dickinson*. Am. Bar Assoc. Jour. Oct., 1931.

Legislatures. The Louisiana legislative assembly: a sociological study. *O. D. Duncan*. Southwestern Soc. Sci. Quar. June, 1931.

———. Days and days. *A. N. Christensen*. State Govt. July, 1931.

———. Spotlight on 3000 committees. *Unsigned*. State Govt. Aug., 1931.

Mellon. Andrew W. Mellon, secretary of the treasury. *Clinton W. Gilbert*. *Current Hist.* July, 1931.

Merchant Marine. America returns to the high seas. *R. E. Peabody*. New Eng. Quar. July, 1931.

———. Some aspects of the merchant marine act of 1928. *Walter F. Jacobs*. U. S. Naval Inst. Proc. July, 1931.

———. A misconceived merchant marine. *Gerhard Hirschfeld*. N. Am. Rev. Aug., 1931.

National Defense. Industry and national defense. *G. V. H. Mosely*. Coast Artillery Jour. Jan., Feb., Mar., May-June, 1931.

———. The United States looking outward. *S. C. Vestal*. Coast Artillery Jour. May-June, 1931.

———. Disarmament in the air. *Pierre Renaudel*. Labour Mag. Aug., 1931.

National Planning. A five-year plan for America. *Charles A. Beard*. U. S., Inc. *Jay Franklin*. Forum. July, Aug., 1931.

———. The end of an epoch. *J. R. Smith*. Survey. July 1, 1931.

Naturalization. The promise to bear arms as a prerequisite to naturalized citizenship. *Charles E. Carpenter*. Ore. Law Rev. June, 1931.

———. Free citizens in a free state? *Charles P. Howland* and *Richard W. Hale*. Yale Rev. Summer, 1931.

Newton D. Baker. Newton D. Baker. *F. R. Kent*. Forum. Sept., 1931.

Oil Problem. Constitutional law: validity of oil and gas conservation statutes. *Elizabeth C. Davis*. Calif. Law Rev. May, 1931.

———. America's oil problem. *Symposium*. Cong. Digest. June-July, 1931.

———. The oil situation and the military. *A. A. Bruce*. Am. Bar Assoc. Jour. Oct., 1931.

Old Age Pensions. Old age pension legislation. *J. R. Fillman*. Am. Bar Assoc. Jour. July, 1931.

Owen D. Young. The great conciliator. *R. C. McManus*. Outlook. July 8, 1931.

Pardoning Power. Is pardon possible under Connecticut law. *G. H. Cohen*. Conn. Bar Jour. Apr., 1931.

Police Power. The supreme court and state police power, 1922-1930. *T. R. Powell*. Va. Law Rev. June, 1931.

Politics. Why don't your young men care? *H. J. Laski*. Repressible issues. *Elmer Davis*. If Owen D. Young were nominated *Charles Merz*. Harper's. July, Aug., 1931.

———. A woman takes a look at politics. *Corra Harris*. Sat. Eve. Post. June 13, 1931.

———. Twisting Tammany's tail. *Norman Thomas*. Tammany's grab bag. *R. E. Renaud*. Forum. June, Aug., 1931.

———. Conservatism hits bottom. *Charles A. Beard*. New Repub. Aug. 19, 1931.

———. The democrats must go native. *John Henphill*. Am. Mercury. Aug., 1931.

———. Bryan, thou shouldst be living. *G. W. Johnson*. Harper's. Sept., 1931.

Porto Rico. T. R.—P. R. *Luis Muñoz-Marin*. World's Work. July, 1931.

Power Question. Washington's public ownership district power law. *James K. Hall*. Nat. Mun. Rev. June, 1931.

———. The light and power industry considered. *D. Y. Thomas*. Southwestern Soc. Sci. Quar. June, 1931.

- . The farce of power regulation. *Mauritz A. Hallgren*. Nation. June 24, 1931.
- . The power issue in politics. *Langdon Post*. Outlook. July 15, 1931.
- Prohibition. The onward march of repeal. *Fabian Franklin*. Forum. May, 1931.
- . Reconstruction—new style. *Silas Bent*. Va. Quar. Rev. July, 1931.
- . The progenitor of prohibition. *Dane Yorke*. Am. Mercury. July, 1931.
- . Prohibition's challenge to America. *O. G. Villard*. Pol. Quar. July-Sept., 1931.
- . The XVIII amendment. *G. F. Ort*. Lawyer and Banker. July-Aug., 1931.
- . Law and self-control. *F. G. Peabody*. Atlan. Mo. Aug., 1931.
- . Decency and prohibition enforcement. *Newton Aiken*. Nation. Aug. 12, 1931.
- . How dry is Maine? *David Gay*. Outlook. Sept. 9, 1931.
- Public Defender. The public defender. *Samuel Rubin*. Temple Law Quar. June, 1931.
- Public Utilities. Are public utilities persons? *R. M. Hunter*. Va. Law Rev. June, 1931.
- . Holding Companies. Public service corporations; holding companies and the United States supreme court. *Hi Freed*. Calif. Law Rev. May, 1931.
- . Judicial Review. Judicial supervision of commission regulation: a study of court and commission relations in Massachusetts. *M. L. Ramsey*. Jour. Land and Pub. Util. Econ. Aug., 1931.
- . Railroads. America's stake in its railroads. *Albert Shaw*. Why increase freight rates? *Daniel Willard*. Rev. of Evs. July, 1931.
- . Government rides the railroads. *Paul Shoup*. Scribner's. Sept., 1931.
- Race Relations. Oklahoma race riot. *F. W. Prentice*. Scribner's. Aug., 1931.
- Radio Control. The regulation of amateur radio communications. *P. M. Segal*. Air Law Rev. Apr., 1931.
- . The clause 9 decision and the radio license renewals. *W. H. Kenyon, Jr.* Air Law Rev. July, 1931.
- Reapportionment. Rotten boroughs in Georgia. *C. B. Gosnell*. Nat. Mun. Rev. July, 1931.
- . The Georgia plan. *C. E. Jones*. Am. Mercury. July, 1931.
- . Congressional redistricting in Missouri. *Lloyd M. Short*. Am. Pol. Sci. Rev. Aug., 1931.
- . Will your next congressman be elected illegally? *A. L. Moffat*. State Govt. Sept., 1931.
- Referendum. War by referendum. *C. L. W. Meyer*. Am. Mercury. July, 1931.
- Ritchie. The gentleman from Maryland. *Henry Carter*. N. Am. Rev. Aug., 1931.
- . Albert C. Ritchie. *M. S. Watson*. Forum. Aug., 1931.
- Senate. Speaking of the senate. *George H. Moses*. Sat. Eve. Post. July 25, 1931.
- . Origin of the two-thirds rule in senate action on treaties. *R. E. McClendon*. Am. Hist. Rev. July, 1931.

Soldiers' Bonus. The American legion in politics. *Marcus Duffield*. In defense of the legion. *Hamilton Fish, Jr.* Forum. May, July, 1931.

———. The legion prepares for war. *Marcus Duffield*. Scribner's. Aug., 1931.

Solicitor General. Genesis and present duties of office of solicitor general. *T. D. Thatcher*. Am. Bar Assoc. Jour. Aug., 1931.

State Budgets. Some notable state budget documents of 1931. *A. E. Buck*. Nat. Mun. Rev. June, 1931.

Supreme Court. The Supreme Court plays at "this is the house that Jack built." *Forrest R. Black*. Notre Dame Lawyer. May, 1931.

———. The social and economic views of Mr. Justice Brandeis. *Russell M. Story*. Calif. Law Rev. May, 1931.

———. Justice Sutherland dissents. *J. P. Pellard*. Outlook. Aug. 19, 1931.

Tariff. Quinze années de législation douanière aux États-Unis. *Harry D. Gideonse*. Rev. Econ. Int. May, 1931.

———. The tariff as a party issue. *William Hard*. The tariff and the depression. *Julius Klein*. Current Hist. July, 1931.

———. Rayon and the tariff: the nurture of an industrial prodigy. *T. W. Taussig* and *H. D. White*. Quar. Jour. Econ. Aug., 1931.

———. Free trade or protection. *Francis W. Hirst*. Free trade and the United States. *Henry Raymond Mussey*. Nation. Sept. 2, 9, 1931.

Taxation. Taxation of tax exempt securities in the hands of corporations. *Legislation Editor*. Harvard Law Rev. May, 1931.

———. State jurisdiction of income for tax purposes. *Henry Rottschaeffer*. Harvard Law Rev. May, 1931.

———. *Coolidge v. Long*: a criterion of retroactivity in inheritance taxation. *Note Editor*. Harvard Law Rev. May, 1931

———. Compulsory incorporation and the power to tax. *Note Editor*. Harvard Law Rev. May, 1931.

———. The taxation of intangibles. *Philip Nichols*. Boston Univ. Law Rev. June, 1931.

———. Constitutionality of retroactive inheritance taxation. *Note Editor*. Columbia Law Rev. June, 1931.

———. The validity of a state tax upon the coming into possession and enjoyment of a vested remainder. *Robert C. Brown*. Ind. Law Jour. June, 1931.

———. Tax problems in branch banking. *R. J. Traynor*. The power of the states to tax intangibles. *Henry Rottschaeffer*. Minn. Law Rev. June, 1931.

———. The power of the states to tax intangibles. *Henry Rottschaeffer*. N. C. Law Rev. June, 1931.

———. Death—and taxes. *George H. Moses*. Sat. Eve. Post. June 27, 1931.

———. Interstate allocation of corporate income for taxing purposes. *Case and Comment Editor*. Yale Law Jour. June, 1931.

———. Connecticut taxation and parliamentary aid preceding the revolutionary war. *L. H. Gipson*. Am. Hist. Rev. July, 1931.

———. Revenues derived under state labor laws. *E. E. Witte*. Monthly Labor Rev. July, 1931.

———. Taxation in hard times. *R. T. Ely*. Ev. of Revs. Aug., 1931.

———. State income taxation as affected by property tax limitations. *Alfred Harsch*. Wash. Law Rev. July, 1931.

———. Tax investigations in twenty-six states. *George A. Graham*. Nat. Mun. Rev. Sept., 1931.

Theodore Roosevelt. Theodore Roosevelt's feet of clay. *John Ford*. Current Hist. Aug., 1931.

Unemployment. Unemployment and the alien. *Harold Fields*. So. Atlantic Quar. Jan., 1931.

———. Unemployment—a national issue. *Robert F. Wagner*. Unemployment insurance for the United States. *Leo Wolman*. Administration of the employment agency law in Michigan. *Wm. Haber*. Public and private interests in social insurance. *I. M. Rubinow*. Am. Labor Legis. Rev. Mar., June, 1931.

———. Unemployment is not an insurable risk. *Arthur Hayday*. The vicious circle of unemployment and the way out. *H. S. Jevons*. Labour Mag. July, Aug., 1931.

———. America faces unemployment. *W. M. Eagar*. Contemp. Rev. Aug., 1931.

———. Some economic implications of unemployment insurance. *Dale Yoder*. Quar. Jour. Econ. Aug., 1931.

———. America and compulsory unemployment insurance. Symposium. Cong. Digest. Aug.-Sept., 1931.

———. Finding jobs for workers. *W. N. Dock*. Rev. of Revs. Sept., 1931.

———. Ten million unemployed? *W. P. Mangold*. New Repub. Sept. 9, 1931.

Virgin Islands. America's responsibility in the Virgin islands. *C. S. Baker*. Current Hist. July, 1931.

War Department. The development of war department organization and plans for industrial mobilization. *H. S. Bishop*. Coast Artillery Jour. July-Aug., 1931.

Workmen's Compensation. The workmen's compensation law. *Chas. M. Kahn*. Idaho Law Jour. Feb., 1931.

———. Minnesota workmen's compensation act—"personal injuries arising out of and in the course of employment." *Note Editor*. Minn. Law Rev. June, 1931.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Allyn, Emily. Lords versus commons; a century of conflict and compromise, 1830-1930. Pp. 275. N. Y.: Century.

Annalen des Deutschen Reichs, 1930. Pp. 512. Berlin: Schweitzer Verlag (Arthur Sellier).

Arlington, L. C. Through the dragon's eyes: fifty years' experiences of a foreigner in the Chinese government service. Pp. lvii+348. London: Constable.

Barnes, J. S. Fascism. N. Y.: Henry Holt.

Baumont, Maurice. The fall of the Kaiser. N. Y.: Knopf.

Beer, Rüdiger R. Heinrich Brüning. Berlin: Politisch-Wissenschaftlicher Verlag.

Bell, H. T. M. The near east year book, 1931-32: a survey of the affairs, political, economic and social, of Albania, Bulgaria, Greece, Roumania, Turkey, and Yugoslavia. Pp. xxxiii+1128. London: The Near East.

- Ber-Avi, J.* L'enclave. Pp. 240. Paris: Rieder.
- Berkeley, Reginald.* England's opportunity. Pp. 260. London: Mundanus.
- Breshkovskaia, Katerina.* Hidden springs of the Russian revolution. Pp. 390. Stanford Univ. (Calif.): Stanford Univ. Press.
- British and foreign state papers. 1926, Part I. Vol. cxxiii. Pp. 1133. London: H. M. Stationery Office.
- Burns, Elinor.* British imperialism in Ireland. London: Modern Books.
- Calcott, W. H.* Liberalism in Mexico, 1357-1929. Pp. 423. Stanford Univ. (Calif.): Stanford Univ. Press.
- Carroll, E. M.* French public opinion and foreign affairs, 1870-1914. Pp. viii+348. N. Y.: Appleton.
- Chamberlin, William H.* The soviet planned economic order. Boston: World Peace Foundation.
- Churchill, Winston S.* India. Pp. 141. London: Butterworth.
- Clémentel, Etienne.* La France et la politique économique inter-alliée. Pp. 376. Paris: Le Presses Universitaires.
- Constantinoff, J.* Le recours contre l'administration dans la législation et la jurisprudence anglaises. Pp. 130. Paris: Chauny & Quinsoc.
- Crisis in Australian finance, 1929 to 1931. Pp. xix+201. London: Australian Book Co.
- Devies, W. E.* The English law relating to aliens. Pp. 308. London: Stevens.
- Delavignette, Robert.* Afrique occidentale française. Pp. 244. Paris: Soc. d'Edit. géographiques, maritimes et coloniales.
- Deléle—Desloges.* Madagascar. Pp. 220. Paris: Soc. d'Edit. géographiques, maritimes et coloniales.
- DeUbridge, John.* Revolution in India. Boston: May & Co.
- Duncan, A.* India in crisis. Pp. 271. London: Putnam.
- Economic situation of the British colonial empire (Pamphlet). London: Empire Economic Union.
- Ferdinand-Lop, S.* Les colonies françaises, origine, importance, ressources, commerce, avenir. Pp. 220. Paris: E. Mafère.
- Forster, N. L., and Rostovsky, D. B.* The Roumanian handbook. Pp. 320. London: Simpkin, Marshall.
- Gardappa, D. V.* The states and their people in the Indian constitution. Pp. 180. Bangalore City: Karnatika Pub. House.
- Garkis, R. G.* La question turque. Pp. 376. Paris: Berger-Levrault.
- Germains, V. W.* The tragedy of Winston Churchill. Pp. 288. London: Hurst & Blackett.
- Ghose, A. K.* Public administration in India. N. Y.: Longmans.
- Gilson, Mary B.* Unemployment insurance in Great Britain. Pp. 573. N. Y.: Industrial Relations Counselors.
- Goodfellow, D. M.* A modern economic history of South Africa. Pp. x+267. London: Routledge.
- Grey of Fallodon, Viscount.* Speeches on foreign affairs 1904-1914. Pp. 327. London: Allen & Unwin.
- Grigg, Sir Edward.* Three parties or two? London: Ernest Benn.
- Gull, E. M.* Facets of the Chinese question. Pp. xxi+198. London: Ernest Benn.

Gurian, Waldemar. Der integrale Nationalismus in Frankreich. Pp. viii + 131. Frankfurt: Vittorio Klostermann.

Harris, S. E. Monetary problems of the British Empire. Pp. 585. N. Y.: Macmillan.

Hermant, Max. Les paradoxes économiques de l'Allemagne moderne (1918-1931). Pp. viii + 202. Paris: A. Colin.

Hoffman, Heinrich. Betrachtungen zur deutschen Aktienrechtsreform. Pp. 152. Kollmünz: Lassleben.

Hofmeyr, Jan H. South Africa. Pp. vi + 331. London: Ernest Benn.

Hotz, Rudolf. Die höchsten Organe der Deutschen Reichspost, Minister und Verwaltungsrat. Berlin: Schweitzer Verl.

Howay, F. W., ed. The Dixon-Meares controversy. Toronto: Ryerson Press.

Hyde, A. M. Diplomatic history of Bulgaria from 1870-1886. Pp. 172. Urbana (Ill.): Univ. of Ill. Press.

Ilin, M. Moscow has a plan: a soviet primer. Pp. 218. London: Cape.

John, Friedrich. Reichsgericht und Koalitionsfreiheit. Leipzig: Noske.

Jones, Chester Lloyd. Caribbean backgrounds and prospects. Pp. 362. N. Y.: Appleton.

Keith, A. B. An introduction to British constitutional law. Pp. xii + 243. London: Milford.

Kelson, S. Stabilisation et revalorisation en France et en Allemagne. Pp. 258. Paris: Publications contemporaines.

Khan, I. M. Mahatma Ghandi and British trade (Pamphlet). Leeds: Macmillan, Fitzgerald.

King, Bolton. Fascism in Italy. Pp. 100. London: Williams & Norgate.

Kohn, Hans. Nationalismus und Imperialismus im Vorderen Orient. Pp. 455. Frankfurt: Societäts-Verlag.

Kotenev, A. M. New lamps for old: an interpretation of events in modern China and whither they lead. Pp. 371. London: Probsthain.

Kühlman, Richard. Gedanken über Deutschland. Pp. 294. Leipzig: Paul List Verlag.

Kürbs, Friedrich. Die osteuropäischen Staaten Polen, Litauen, Lettland, Estland als Staats- und Wirtschaftskörper. Pp. viii + 286. Stuttgart: Ferdinand Enke.

Kushnir, V. J. Polish atrocities in the West Ukraine; an appeal to the League for the rights of man and citizen. Pp. 70. Winnipeg (Man.): Ukrainian Self-Reliance League of Canada.

Lenin, V. I. What is to be done? N. Y.: Int. Publishers.

Lévi, Sylvain. Indochine. 2 vols. Pp. 230, 214. Paris: Soc. d'Edit. géographiques, maritimes et coloniales.

Levy-Ullmann, H., and *Mirkine-Guetzevitch, B.* Belgique. Pp. 350. Paris: Delagrave.

Livingston, W. R. Responsible government in Prince Edward Island; a triumph of self-government under the Crown. Pp. 136. Iowa City (Ia.): Univ. of Ia. Press.

Lymington, Viscount. Ten Days: the Tory path. N. Y.: R. R. Smith.

McCabe, Joseph. Spain in revolt, 1808-1809. Pp. xi + 246. London: John Lane.

Maestracci, N. L'empire colonial français contemporain. Pp. 378. Paris: Charles-Lavauzelle.

Memoirs of Prince Von Buelow. Vol. I: 1397-1903. (Trans. by F. A. Voigt). Pp. 751. Boston: Little, Brown.

Mitchell, N. P., Jr. Land problems and policies in the African mandates of the British commonwealth. Pp. xvi+155. Baton Rouge (La.): La. State Univ. Press.

Mitully, A. H. La démocratie et la représentation des intérêts en France. Pp. 272. Paris: Rousseau.

Molotov, V. M. The success of the five-year plan. N. Y.: Int. Publishers.

Moncharville, M. Le Japon d'outre-mer. Pp. 237. Paris: A. Pedone.

Mowat, R. B. Contemporary Europe and overseas, 1898-1920. N. Y.: Macmillan.

N . . . Jurisprudence du conseil d'état. T. X. Pp. 745. Paris: Recueil Sirey.

N . . . La politique extérieure de l'Allemagne (1870-1914). Documents officiels publiés par le ministère allemand des affaires étrangères. T. XIV. Pp. xxxii+334. Paris: A. Costes.

N . . . La Pologne et la Baltique. Pp. xii+360. Paris: Gebethner & Wolff.

N . . . Les colonies françaises. Pp. 280. Paris: Flammarion.

New Zealand official year-book, 1931. Pp. xiv+1006. Wellington (N. Z.): W. A. G. Skinner.

Nogaro, B., and Moye, M. Le régime douanier de la France. Pp. 358. Paris: Recueil Sirey.

Oestmann, Heinrich. Rechte und Schutz der parlamentarischen Minderheit in Deutschland. Hamburg: Jarcho.

O'Malley, L. S. S. The Indian civil service, 1601-1930. Pp. 324. London: Murray.

Paranjpye, R. P. The crux of the Indian problem. Pp. viii+120. London: Watts.

Pinardel, François. Les colonies françaises. Pp. 267. Paris: G. Bauchesne.

Popovici, Andrei. The political status of Bessarabia. Pp. 288. Washington: Ransdel.

Purkayastha, K. M. The burden of Swaraj: a critical examination of certain broader issues underlying a nationalist constitution for India. Pp. xiv+192. Calcutta: The Book Co.

Realey, Charles B. The early opposition to Sir Robert Walpole. Lawrence (Kan.): Univ. of Kan.

Revyuk, Emil. Polish atrocities in Ukraine. Pp. 512. N. Y.: United Ukrainian organizations of the U. S.

Rippy, Fred J. The capitalists and Colombia. N. Y.: Vanguard Press.

Roekowsky, N. D., and Chernikoff, J. I. eds. Russia today (Pamphlet). N. Y.: The Editors.

Rosenberg, Arthur. The rise of the German republic. London: Oxford Univ. Press.

Sforza, Count Carlo. European dictatorships. N. Y.: Brentano's.

Siao, Stéphani. Régimes douaniers de la Chine. Pp. 232. Paris: Edit. et Publications contemporaines.

Sillani, T., ed. What is fascism and why? Pp. 350. London: Ernest Benn.

- Tardieu, André.* L'épreuve du pouvoir. Pp. 288. Paris: E. Flammarion.
- Théry, René.* L'Indochine française. Pp. 220. Paris: Pittoresques.
- Trotsky, Leon.* The history of the Russian revolution (Trans. by Max Eastman). N. Y.: Albert & Charles Boni.
- Tweedy, Owen.* Russia at random. Pp. 192. London: Jarrolds.
- Vallentin, Antorina.* Sresemann. Pp. vi + 343. London: Constable.
- Vandervelde, E.* A travers la révolution chinoise. Pp. 240. Paris: F. Alcan.
- Van Sickle, J. V.* Direct taxation in Austria. Pp. 241. Cambridge: Harvard Univ. Press.
- Wade, E. C. S., and Phillips, G. G.* Constitutional law; an outline of the law and practice of the constitution. Pp. 488. N. Y.: Longmans.
- Wahl, K. H.* Die deutschen Länder in der Aussenpolitik. Pp. 162. Stuttgart: Ferdinand Enke.
- Williams, Mary W.* The people and politics of Latin America. Pp. vii + 845. London: Ginn.
- Winkler, W.* Statistisches Handbuch der europäischen Nationalitäten. Pp. vii + 248. Wien: W. Braumüller.
- Wilson, A.* Mesopotamia: a class of loyalties, 1917-20. Pp. xvii + 420. London: Oxford Univ. Press.
- Woodhead, H. G. W., ed.* The China year book, 1931. Pp. 744. Chicago: Univ. of Chicago Press.
- Yakhontoff, V. A.* Russia and the soviet union in the far east, N. Y.: Coward-McCann.

Articles

- Administration.** Recruitment and training of public officials. Symposium. Efficiency ratings in the public service—should they be applied, and how? *A. J. Waldegrave.* Character assessment in state service. *B. W. W. Watson.* Financial control in administration. *Sir Charles Harris* and *E. Lund.* Research into the theory and practice of public administration. *Arthur Collins* and *J. R. H. Roberts.* Pub. Admin. July, 1931.
- . *Le chef. Général Maurin.* Rev. Fol. et Parl. Aug., 1931.
- Australia.** An explanation of labor party action in Australia. *R. L. Dewey.* Southwestern Soc. Sci. Quar. June, 1931.
- . Courts of specialized jurisdiction in Australia. *E. A. Beecroft.* Pa. Law Rev. June, 1931.
- . Finance and politics in Australia. Quar. Rev. July, 1931.
- . Economic position of Australia. *G. L. Wood.* Pacific Affairs. Sept., 1931.
- . What's the matter with Australia? *Lothrop Stoddard.* Harper's. Sept., 1931.
- Austria.** La question d'Autriche. *Fenri Bérenger.* Rev. Deux Mondes. May 15, 1931.
- British Empire.** British economists and the empire. I. *D. O. Wagner.* Pol. Sci. Quar. June, 1931.
- . British colonials and the commonwealth. *P. E. Corbett.* Yale Rev. Summer, 1931.
- . The British commonwealth of independent nations. *Robert A. MacKay.* Current Hist. Sept., 1931.

———. Avant la conférence impériale de 1930. *J. J. Chevallier*. Rev. Droit Int. No. 1, 1931.

Bulgaria. Bulgaria's solution of post-war problems. *Constantine Stephanore*. Current Hist. Aug., 1931.

Canada. Dominion versus provincial control of aviation in Canada. *H. G. Hotchkiss*. Air Law Rev. July, 1931.

China. The past six months in China. *N. Wing Ma*. Univ. Calif. Chronicle. Apr., 1931.

———. China wins tariff independence. *Joseph Gordon*. Current Hist. July, 1931.

———. China and the Feetham report. *O. M. G.* Nine. Cent. Aug., 1931.

Cuba. The ordeal of Cuba. *Waldo Frank*. Scribner's. July, 1931.

Currency. Gold standard and South America. *Guillermo Subercaseaux*. Am. Econ. Rev. June, 1931.

———. Le problème de l'or. *Louis de Larosière*. Rev. de France. May 15, 1931.

Czechoslovakia. Die Tschechoslowakei und das Wiener Protokoll. *Karl Janovsky*. Deutsche Arbeit. May-June, 1931.

———. Thomas Garique Masaryk as politician and statesman. *Joseph S. Roucek*. Social Sci. July, 1931.

Egypt. Egypt and judicial reform. *A. C. McEarnet*. Quar. Rev. July, 1931.

———. Poor Egypt and her elections. *Owen Tweedy*. Fort. Rev. Aug., 1931.

Fascism. Die Bedeutung des Faschismus für Europa. *Edgar J. Jung*. Deutsche Rundschau. June, 1931.

Finance. La généralisation des déficits budgétaires. *Edouard Payen*. Jour. Economistes. June, 1931.

France. La superposition des taxes dans le système français. *Jean Raoult*. La France sur le Rhin. *Pierre Rain*. Rev. Sci. Pol. Apr.-June, 1931.

———. Les étrangers et l'assurance contre le chômage en France. *B. Raynaud*. Jour. Droit Int. May-June, 1931.

———. Le budget, la trésorerie, et la dette publique. XXX. La législation fiscale. *Louis Trotabas*. La législation sociale. *Wm. Ovalid*. Rev. Econ. Pol. May-June, 1931.

———. La constitution de 1875 et sa révision. *F. Roussel-Despierre*. La politique française du pétrole. *François Leclercq*. La réforme judiciaire: le juge unique. *Paul Jacquier*. Nouvelle Rev. May 15, June 1, 15, July 1, 15, 1931.

———. La défense des actionnaires. *Roger Picard*. La réforme des finances communales. *Louis Dupeyrat*. L'élection présidentielle: M. Doumer et M. Briand. XXX. La loi douanière dite du Cadéas. *Edouard Néron*. Le parlement et les sociétés concessionnaires. *Edouard Jolly*. Les actions à vote privilégié au Sénat. *A. Massonau*. La viticulture devant les pouvoirs publics. *René Courtin*. Le problème national de l'aménagement intégral du Rhône. *Henri Brenier*. Le Tigre, frontière de l'empire français. *F. Euby*. La caisse des dépôts et consignations. *Joseph Barthélemy*. L'assurance des crédits commerciaux et l'état. *Raymond Michel*. Rev. Pol. et Parl. May, June, July, Aug., 1931.

———. L'élection de Monsieur Doumer. *Raymond Recouly*. Rev. de France. June 1, 1931.

———. Clemenceau's accession to power in 1917. *Edith Dobie*. Southwestern Soc. Sci. Quar. June, 1931.

- . Finances départementales et communales. *Gaston Bouniols*. Rev. Bleue, June 6, 1931.
- . L'Afrique équatoriale française en 1931. *Anselme Lawrence*. Rev. Mondiale. July 1, 1931.
- . The presidency of France. *Othon G. Guerlac*. Current Hist. July, 1931.
- . Chambres de commerce: their legal status and political significance. *E. Pendleton Herring*. Am. Pol. Sci. Rev. Aug., 1931.
- . The new syndicalism in France. *Caldwell Buck*. Am. Federationist. Aug., 1931.
- Germany. La lancement du "Deutschland." *René La Bruyère*. Rev. Pol. et Parl. June, 1931.
- . The Germans at Chequers. *H. N. Brailsford*. New Repub. June 24, 1931.
- . Germany on the brink. *Alanson B. Houghton*. Nation. July 1, 1931.
- . Upper Silesia and Germany's future. *Rennie Smith*. Labour Mag. July, 1931.
- . L'avenir de la république allemande. *Georg Bernhard*. Rev. Mondiale. July 15, 1931.
- . Les étapes de la crise allemande. *Roland de Marés*. Rev. Paris. July 15, 1931.
- . Germany on the ragged edge. Can Germany be saved? *F. H. Simonds*. Rev. of Revs. July, Aug., 1931.
- . Qui sauvera l'Allemagne? *Raymond Recouly*. Rev. de France. Aug. 1, 1931.
- . Causes of the German financial crisis. *Sidney B. Fay*. Current Hist. Sept., 1931.
- . Unemployment insurance in Germany. *Fritz M. Marx*. Amerika Post. Heft 5 and 6, 1931.
- . Denkschrift des Vorstandes des Richtervereins beim Reichsgericht zu der geplanten Umgestaltung des Staatsgerichtshofs für das Deutsche Reich. Archiv. Öffent. Rechts. 20 Band, Heft 2, 1931.
- Great Britain. Recent political crises in Great Britain. *W. T. Morgan*. So. Atlantic Quar. Jan., 1931.
- . The budget: failure and fraud. *L. S. Amery*. The "idiots" and the nation. *J. F. Hope*. English Rev. June, July, 1931.
- . A new doomsday book: the evolution of an idea. The land tax proposals. *A. L. Scott*. Labour Mag. June, July, 1931.
- . England's crisis. *S. B. James*. Catholic World. July, 1931.
- . L'Angleterre et la crise. *Chas. D'Orléans*. Jour Economistes. July, 1931.
- . The future of England. *H. J. Laski*. Forum. July, 1931.
- . Our financial position and prospects. *Harold Cox*. The protection of wild birds. *Marquis of Tavistock*. Contemp. Rev. July, 1931.
- . A conservative survey. *Noel Skelton*. Quar. Rev. July, 1931.
- . The case for the house of lords. *J. H. Harley* and *Sir John Marriott*. The record of recent bye-elections. *J. H. Harley*. Fort. Rev. July, Aug., 1931.
- . Unemployment and the report. *Sir Ernest Benn*. Decentralization of

broadcasting. *R. Raven-Hart*. Reflections of an independent liberal. *F. W. Hirst*. Beet sugar and the British tax-payer. *Herbert Samuel*. Nine. Cent. July, Aug., 1931.

———. Defects and reforms of parliament. *Sir Herbert Samuel*. Parliamentary reform. *John Strachey* and *C. E. M. Joad*. Pol. Quar. July-Sept., 1931.

———. La politique économique de la Grande-Bretagne. *Vicomte Hailsham*. Rev. Econ. Int. Aug., 1931.

———. The father of tory democracy. *Sir John Marriott*. Cornhill Mag. Aug., 1931.

———. The doctrine of the sovereignty of the constitution. *Lewis Rockow*. Am. Pol. Sci. Rev. Aug., 1931.

———. The position of the British parliament. *James K. Pollock*. Am. Pol. Sci. Rev. Aug., 1931.

———. Philip Snowden: a Puritan Socialist. *Wickham Steed*. Current Hist. Sept., 1931.

———. The tragic fall of Ramsay MacDonald. *Oswald Garrison Villard*. Nation. Sept. 9, 1931.

Greece. Venezelos faces east. *C. H. Stenrill*. Rev. of Revs. June, 1931.

———. Une réforme bancaire en Grèce. *St. Stephanopoulos*. Rev. Pol. et Parl. Aug., 1931.

Imperialism. Ethics of colonial imperialism. *Ben N. Azikiwe*. Jour. Negro Hist. July, 1931.

India. The motives of the nationalist movement in India. *A. G. Widgery*. So. Atlantic Quar. Rev. Jan., 1931.

———. Why India follows Gandhi. *H. N. Brailsford*. Forum. May, 1931.

———. L'évolution économique de l'Inde contemporaine. *Louis Franck*. Rev. Econ. Int. June, 1931.

———. La depression économique internationale et les conditions dans l'Inde et la Chine. *J. M. Rylie*. Rev. Econ. Int. June, 1931.

———. Indian round table conference. *C. C. Brughman*. U. S. Naval Inst. Proc. June, 1931.

———. India—a breathing space. *C. F. Adam*. English Rev. July, 1931.

———. Religious and political concepts of Gandhi. *William P. Tucker*. Social Sci. July, 1931.

———. L'Inde nationaliste. *Roger Lebonae*. Correspondant. July 25, 1931.

———. Gandhi—saint or sinner? *J. F. C. Fuller*. Nine. Cent. Aug., 1931.

Indo-China. Le nouveau programme des réformes indo-chinoises. *A. Angoulvant*. Rev. Pol. et Parl. July, 1931.

Ireland. The Irish Free State, 1931. *H. A. Law*. Contemp. Rev. Aug., 1931.

———. In vindication of Roger Casement. *Padraic Colum*. Current Hist. Sept., 1931.

Italy. Gli Itàditi e la politica coloniale italiana. *Erano Ducati*. Politica. Feb.-Apr., 1931.

———. The Italian corporate state. *Carmen Haider*. Pol. Sci. Quar. June, 1931.

———. Italian emigration and colonization policy. *Attilio Oblath*. Int. Labour Rev. June, 1931.

———. Fascism in Italy today. *Stark Young*. New Repub. July 22, 29, Aug. 5, 1931.

———. Il codice delle finanze locali. *Francesco Spinedi*. Nuova Antologia. Aug. 16, 1931.

Japan. The economic development of Japan. *E. Honjo*. The Japanese taxation system in South Manchuria. *S. Shōmō*. Kyoto Univ. Econ. Rev. July, 1931.

———. The Japanese privy council. (I) *Kenneth Colegrove*. Am. Pol. Sci. Rev. Aug., 1931.

———. The trend to democracy in Japan. *H. S. Quigley*. Contemp. Rev. Aug., 1931.

Jugoslavia. Impressions of a wanderer in Jugoslavia. *Nora Alexander*. Contemp. Rev. Aug., 1931.

Liberia. Negro self-government at a crisis in Liberia. *Rennie Smith*. Liberia defended by a Liberian. *N. H. B. Cassell*. Current Hist. Sept., 1931.

Lithuania. Die Lage der Diktatur in Litauen. *Hoffo von Wedel*. Preuss. Jahrbücher. June, 1931.

Mexico. Has Mexico betrayed her revolution? *Carleton Beals*. New Repub. July 22, 1931.

Montenegro. The sovereignty of Montenegro. *M. D. A. R. von Redlich*. Social Sci. July, 1931.

Morocco. Morocco—the graveyard of the Spanish monarchy. *W. Fox-Strangways*. Fort. Rev. Aug., 1931.

New Zealand. New Zealand. *H. F. von Haas*. Pacific Affairs. July, 1931.

———. New Zealand and its social and labour legislation. *A. G. B. Fisher*. Chinese Soc. and Pol. Sci. Rev. July, 1931.

Parliamentary Government. La réforme des méthodes du travail parlementaire. *Albert Lefas*. Rev. Sci. Pol. Apr.—June, 1931.

———. Considérations théoriques sur la question de la combinaison du référendum avec le parlementarisme. *M. R. Carré de Malberg*. Rev. Droit Pub. et Sci. Pol. No. 2, 1931.

Poland. Wohin führt die polnische Nationalitätenpolitik? *S. Mornik*. Deutsche Arbeit. July, 1931.

Protection. The rationalization of the protective tariff. *M. Kambe*. Kyoto Univ. Econ. Rev. July, 1931.

———. A reply to Professor Robbins. *E. F. Wise*. Pol. Quar., July–Sept., 1931.

———. Quotas. *Arthur Holgate*. Contemp. Rev. Aug., 1931.

———. The Stevenson plan: some conclusions and observations. *C. R. Whittlesey*. Jour. Pol. Econ. Aug., 1931.

———. The tariff and social control. *R. E. Flanders*. Am. Mercury. Sept., 1931.

Roumania. Reorganization of the governmental structure of Roumania. *Joseph S. Roucek*. Am. Pol. Sci. Rev. Aug., 1931.

Russia. Die Bemerkungen zum Fünfjahresplan. *Michael Farbman*. Neue Rundschau. June, 1931.

———. If Francis Assisi came to Moscow. *Lucian Johnston*. Catholic World. June, 1931.

- . Some principles of social work in the soviet union. *Karl Borders*. Social Service Rev. June, 1931.
- . The sanctions of the soviets. *C. A. Bisbee*. Southern Calif. Law Rev. June, 1931.
- . Lies about Russia. *Louis Fischer*. Selling the five-year plan. *Harry W. Laidler*. New Repub. June 10, July 3, Sept. 2, 1931.
- . La réglementation des questions économiques de l'U. R. S. S. *Joaquim Puhà*. Rev. Bleue. June 20, 1931.
- . Is there forced labor in Russia? Soviet Russia and the depression. *Eve Garrette Grady*. Sat. Eve. Post. June 20, July 11, 1931.
- . Glimpses of Russia under the soviets. VI. Whither Russia? *Gordon S. Watkins*. Social Sci. July, 1931.
- . Technical education in soviet Russia. *J. G. Crowther*. Nine. Cent. July, 1931.
- . Russia's challenge to America. *A. F. Hinrichs*. Atlan. Mo. July, 1931.
- . La menace soviétique. *Frédéric Ecard*. Rev. Pol. et Parl. July, 1931.
- . The soviet union turns the corner. *J. P. Mandeville*. Contemp. Rev. July, 1931.
- . La Bessarabie et le danger bolcheviste. *Dudley Heathcote*. Rev. Paris. July 1, 1931.
- . La quinquennale de reconstruction socialiste dans l'U. R. S. S. *J. Efrémoff*. L'Esprit Int. July, 1931.
- . Revivals of nationalities in soviet union. *Rudolf Broda*. Am. Jour. Sociol. July, 1931.
- . Soviets' social philosophy. *Calvin B. Hoover*; *Lement Harris*, and *Maxim Litvinov*. Maxim Litvinov: an intimate study. *Paul Scheffer*. Current Hist. July, Aug., 1931.
- . Russia's five-year plan in action. Where every one has a job. *M. S. Stewart*. Survey. July 1, Aug. 1, 1931.
- . Facing facts about Russia. *R. C. McManus*. Outlook. Aug. 12, 1931.
- . Why fear Russia? *W. J. Austin*. Scribner's. Sept., 1931.
- . Half way to communism. *W. H. Chamberlin*. Rev. of Revs. Sept., 1931.
- . The planned economy of soviet Russia. *Ford Hinrichs* and *William A. Brown, Jr.* Pol. Sci. Quar. Sept., 1931.
- . Die Konzessionen in Sowjetrußland. *A. A. Boglepov*. Zeitschrift gesamte Staatswissenschaft. Vol. 91, No. 1.
- Spain. Choses d'Espagne. *Louis Bardén*. Rev. Pol. et Parl. May, 1931.
- . Le changement du régime en Espagne. *Edouard Payen*. Jour. Economistes. May, 1931.
- . La révolution espagnole. *G. Maranon*. Rev. de France. June, 1, 1931.
- . The new deal in Spain. *Isaac F. Marcossan*. Sat. Eve. Post. June 6, 1931.
- . The future of Spain. *G. K. Jaegerston*. Fort. Rev. July, 1931.
- . La république en Espagne. *Comte de Romanones*. Rev. des Deux Mondes. July 15, 1931.
- . A footnote to revolution. *W. B. Wells*. English Rev. Aug., 1931.

———. Les origines de la révolution espagnole. *Léon Rollin*. Rev. Paris. Aug. 1, 1931.

———. The socialist movement in Spain. *Bailey W. Diffie*. Current Hist. Aug., 1931.

Switzerland. Unemployment insurance in Switzerland. *H. F. Ramsay*. Monthly Labor Rev. July, 1931.

Turkey. The legal interpretation of the abrogation of the Turkish capitulations. *N. M. Soosa*. Dakota Law Rev. June, 1931.

———. A civil prisoner in Turkey. *C. W. A. Wigram*. Cornhill Mag. Aug., 1931.

Vatican. Nature permanente et aspects nouveaux de la souveraineté du Saint-Siège. *Gabriel le Bras*. Rev. Droit Int. No. 1, 1931.

INTERNATIONAL RELATIONS

Books

Adler, Bruno. Der Schuss in den Weltfrieden. Pp. 192. Stuttgart: Dieck & Co. *Arminjon, P.* Précis de droit international privé. T. III. Pp. 538. Paris: Dalloz.

Auerbach, Bertrand. Le rattachement de l'Autriche à l'Allemagne. Pp. x+192. Paris: Berger-Levrault.

Bourbousson, E. Traité général de la nationalité dans les cinq parties du monde. Pp. 613. Paris: Recueil Sirey.

British year book of international law, 1931. (12th year) London: Oxford Univ. Press.

Calogeropoulos, S. Le pacte général de renonciation à la guerre. Pp. 246. Paris: M. Rivière.

Chazelos, V. Territoires africains sous mandat français. Pp. 240. Paris: Soc. d'Edit. géographiques, maritimes et coloniales.

Clark, Keith. International communications: the American attitude. Pp. 261. N. Y.: Columbia Univ. Press.

Demartial, Georges. Le mythe des guerres de légitime défense. Pp. 164. Paris: M. Rivière.

Dittrich, Erich. Die deutsch-französischen Wirtschaftsverhandlungen der Nachkriegszeit. Pp. xi+241. Berlin: Walter de Gruyter.

Dörge, H. Der autonome Verband im geltenden Staats- und Völkerrecht. Pp. viii+110. Wien: Wilhelm Braumüller.

Feinberg, Nathan. La juridiction de la cour permanente de justice dans le système de la protection internationale des minorités. Pp. 215. Paris: Rousseau.

Fuehr, Siegfried. Die Grundzüge des Mexikanischen Konsularrechts. Pp. 109. Göttingen: Handelsdr.

Gérin, René. Comment fut provoquée la guerre de 1914. Pp. 216. Paris: M. Rivière.

Goode, W. T. Is intervention in Russia a myth? Pp. 126. London: Williams & Norgate.

Greaves, H. R. G. The league committees and world order. Pp. xi+266. London: Oxford Univ. Press.

Guggenheim, P. Les mesures provisoires de procédure internationale et leur influence sur le développement du droit des gens. Pp. 210. Paris: Recueil Sirey.

Habicht, Max. Post-war treaties for the pacific settlement of international disputes. Pp. 1109. Cambridge: Harvard Univ. Press.

Hämmerle, Karl. Danzig und die deutsche Nation. Berlin: Reimar Hobbing.

Hervé, Gustave. France-Allemagne. Pp. 251. Paris: Edit. de la Victoire.

Hodges, Charles. The background of international relations. Pp. 743. N. Y.: Wiley.

International law association: report of the 36th conference, New York, 1930. Pp. 626. London: Sweet & Maxwell.

Judet, Ernest. La politique de sécurité. Pp. 403. Paris: M. Rivière.

Kampf, Otto. Die Grundlagen des Französischen Konsularrechts. Pp. v+113. Bochum: Heinrich Pöppinghaus.

Keller, Rudolf. Deutschland und Frankreich. Pp. 112. München: R. Piper & Co.

Ketchkitch, Drag. Les mariages diplomatiques ou consulaires (leurs effets internationaux). Pp. 230. Paris: Publications contemporaines.

Kiersch, H. J. P. A. Le Kaiser et la responsabilité de la guerre. Pp. 116. Paris: Argo.

Krause, Gerhard. Die internationalen Stromschiffahrts-Kommissionen. Pp. xii+104. Berlin: Rothschild.

Lamor, Henry. Le problème national et international du blé. Pp. 193. Paris: A. Pedone.

Le Fur, Louis. Précis de droit international public. Pp. 583. Paris: Dalloz.

Leontiadès, Leonidas. Die Neutralität Griechenlands während des Weltkrieges. Pp. 120. Berlin: de Gruyter.

Lessing, O. E., ed. Minorities and boundaries. Pp. 162. N. Y.: Van Riemsdyck.

Lindsey, Edward. The international court. N. Y.: Crowell.

Lyon, Jacques. Les problèmes du désarmement. Pp. 300. Paris: Boivin.

Müller-Sturmheim, E. America we need you. Pp. 160. Boston: Houghton Mifflin.

N. . . . Documents diplomatiques français relatifs aux origines de la guerre de 1914. T. II et III. Pp. 730, 600. Paris: A. Costes.

O'Zoux, Raymond. Les états du levant sous mandat français. Pp. 332. Paris: Larose.

Plaisant, M., and Fernand-Jacq. Les brevets d'invention en droit international. (3d ed.) Pp. 310. Paris: Recueil Sirey.

Planiol, Ripert. Traité des obligations. 2 vols. Pp. 1000. Paris: Libr. gén. de Droit et de Jurisprudence.

Raschhofer, Hermann. Hauptprobleme des Nationalitätenrechts. Pp. 156. Stuttgart: Ferdinand Enke.

Richardson, J. H. Economic disarmament. Pp. 224. London: Allen & Unwin.

Schacht, Hjalmar. The end of reparations. N. Y.: Cape & Smith.

Schmidt, Karl. Die persönliche Rechtsstellung der Konsuln in Deutschland und Danzig. Pp. 139. Danzig: A. W. Kafemann.

Scott, James Brown, ed. International conferences of American states, 1889-1928. (Carnegie End. for Int. Peace) Pp. 551. N. Y.: Oxford Univ. Press.

Simmons, W. The evolution of international public law in Europe since Grotius. London: Oxford Univ. Press.

Solmi, Arrigo. Italia e Francia e i problemi attuali della politica europea. Pp. 219. Mailand: Fratelli Treves.

Sommer, Fritz. Die diplomatische Immunität im englischen Recht. Pp. 111. Wertheim:Bechstein.

Spaul, Hebe. Pioneering for peace. Pp. 160. N. Y.: Macmillan.

Transactions of the Grotius society: problems of peace and war. Vol. XVI. Pp. xix+153. London: Sweet & Maxwell.

Webster, C. K. The foreign policy of Castlereagh, 1812-1815: Britain and the reconstruction of Europe. Pp. 604. N. Y.: Harcourt.

Articles

Africa. Panorama dell'Unione sudafricana. *G. E. Pistolesi.* Rassegna Italiana. July-Aug., 1931.

Aliens. Reichs und Auslandeutschum. *Hermann Kaschhofer.* Deutsche Arbeit. May-June, 1931.

———. Real property rights of aliens in China and the United States. *C. K. Young.* Chinese Soc. and Pol. Sci. Rev. July, 1931.

———. Status of aliens in New Zealand: *T. D. H. Hall.* Pacific Affairs. Aug., 1931.

American Foreign Relations. Le origini della politica di isolamento degli Stati Uniti. *Leonardo Vitelli.* Oct.-Dec., 1930, Feb.-Apr., 1931.

———. New corollaries of the Monroe doctrine. *C. E. Chapman.* Univ. Calif. Chronicle. Apr., 1931.

———. Les relations internationales et l'esprit public américain. *Paul Scott Mowrer.* L'Esprit Int. July, 1931.

———. La politique étrangère: la proposition de M. Hoover. *L. Dumont-Wilden.* Rev. Bleue. July 4, 1931.

———. L'évolution de la doctrine de Monroe. *Firmin Roz.* Correspondant. July 10, 1931.

Arbitration. Problems raised by the general treaty of inter-American arbitration. *J. B. Whiston* and *J. W. Brewer.* Clauses relating to reference of disputes in obligatory arbitration treaties. *R. R. Wilson.* The United States-Panama claims commission. *L. H. Woolsey.* Am. Jour. Int. Law. July, 1931.

———. L'arbitrage pan-Américain. *Orestes Ferrara.* Rev. Mondiale. July 1, 1931.

———. L'arbitrage en 1930. *L. de Montluc.* Rev. Droit Int. Sci. Dipl. et Pol. No. 1, 1931.

Armistice. I commentari dell' armistizio. *Giovanni Giuriati.* Nuova Antologia. July 16, 1931.

Austro-German Union. Le plan austro-allemand et l'Europe. *Georges Marot.* Rev. Paris. May 15, 1931.

———. L'union douanière Austro-Allemande. *Jacques Maupas.* Correspondant. June 10, 1931.

———. Europe faces the customs union. *R. C. Binkley.* Va. Quar. Rev. July, 1931.

———. Le projet austro-allemand d'union douanière. *Julius Wolfet Pierre Berrus*. L'Esprit Int. July, 1931.

———. L'accord Austro-Allemand et ses repercussions sur l'économie européenne. *Jean Dupont*. Rev. Econ. Int. Aug., 1931.

———. Union douanière austro-allemande. *L. Elissalde*. Rev. Droit Int. Sci. Dipl. et Pol. No. 1, 1931.

———. Customs union. *A. Meidelschke Bartholdy*. Amerika Post. Heft 5 and 6, 1931.

Belgian Neutrality. Le sorti della neutralizzazione belga dopo la guerra ed i principi vigenti per la modificazione della costituzione della comunità internazionale. *A. Moscato*. Riv. Diritto Int. July-Sept., Oct.-Dec., 1930, Jan.-Mar., Apr.-June, 1931.

Codification. La crise de la codification. *C. S. Lamas*. Rev. Droit Int. No. 1, 1931.

Disarmament. Sicherheit und Abrüstung. *Ludwig Quidde*. Europäische Gespräche. April, 1931.

———. World economics and disarmament. *S. F. Bryant*. Present problems of naval reduction. *T. C. Kincaid*. Draft convention of 1932 armament limitation conference. *L. C. Dunn*. The London treaty and American naval policy. *D. W. Knox*. A cruiser program. *L. A. Kriskern*. U. S. Naval Inst. Proc. May, July, Aug., Sept., 1931.

———. Le désarmement est-il possible? *Wickham Steed*. L'Esprit Int. July, 1931.

———. Our maritime apostasy. *Bernard Acworth*. English Rev. July, 1931.

———. Some naval heresies. *Quar. Rev.* July, 1931.

• ———. Now, Mr. Hoover, disarm! *Editor*. Geneva must bring disarmament. *Viscount Cecil*. Nation. July 8, 29, 1931.

———. Le programme naval devant le parlement. *René La Bruyère*. Rev. des Deux Mondes, July 15, 1931.

———. La conférence du désarmement . . . il y a cent ans. *Jacques Kayser*. Rev. de France. July 15, 1931.

✓ ———. Disarmament and French public opinion. *Pierre Cot*. A policy for the disarmament conference. *W. Arnold-Foster*. Pol. Quar. July-Sept., 1931.

Egypt. L'Angleterre et l'Egypte. *Léon Krajewski*. Rev. Pol. et Parl. May, 1931.

———. Le problème égyptien. *Gabriel Hanotaux*. Rev. Paris. June 1, 15, July 1, 1931.

———. Egypt—a new phase. *F. Polson Newman*. Nine. Cent. July, 1931.

———. Le statut international de l'Egypte. *W. B. Ghali*. Rev. Droit Int. No. 1, 1931.

Europe. La réalisation de la mitteleuropa. *Emile Escalier*. Mévente du blé et solidarité européenne. *Simon Aberdam*. La division internationale du travail et la reconstruction économique de l'Europe. *Pierre Fromont*. Rev. Pol. et Parl. May, Aug., 1931.

———. After the anschluss explosion. The siege of Germany. *F. H. Simonds*. Rev. of Revs. June, Sept., 1931.

———. The United States of Europe. *K. M. Tsu*. Chinese Soc. and Pol. Sci. Rev. July, 1931.

———. L'Europe centrale et les projets d'Anschluss. *R. J. Pierre*. Europe centrale. *M. C. Jour. Economistes*. June, July, 1931.

———. War clouds in south Europe. *George Raffalovich*. Outlook. July 8, 1931.

———. Foreign affairs. *Sir Chas Petrie*. English Rev. July, Aug., 1931.

———. The military situation in central Europe. *Constantin von Altrock*. Coast Artillery Jour. July-Aug., 1931.

———. The European discontent. *Harrison Brown*. Foreign affairs. The financial and economic crisis. *George Glasgow*. A reconnaissance on the continent. *A. J. Toynbee*. Contemp. Rev. July, Aug., 1931.

———. Where do we stand? *Wickham Steed*. The European crucible. *C. F. Melville*. Ebb and flow. *Stephen Gwynn*. The European crisis. *C. F. Melville* and *Frederick Hammond*. Fort. Rev. July, Aug., 1931.

European Federation. Can Europe unite? *Walter L. Dorn*. Pol. Sci. Quar. Sept., 1931.

———. L'union continentale européenne. *Yves de la Briere*. L'idée de l'union européenne devant les gouvernements et la société des nations. *C. R. Pusta*. Rev. Droit Int. et Legis. Comp. No. 1, 1931.

France. French foreign policy. *Sisley Huddleston*. Contemp. Rev. July, 1931.

———. The enemy of mankind. *Albert Guerard*. Does France want war? *Robert Dell*. France against the world. *Oswald G. Villard*. Nation. July 8, Aug., 5, 12, 1931.

———. Il "Deutschland" e la politica navale francese. *G. S. Nuova Antologia*. Aug. 1, 1931.

———. La collaboration économique franco-polonaise et conséquences pour l'est européen. *Stéphane Aubac*. Rev. Bleue. July 18, 1931.

———. Les négociations franco-soviétiques. XXX. Rev. Paris. Aug. 1, 1931.

Freedom of the Seas. L'exploitation méthodique des mers. *Maurice Ajam*. Rev. Pol. et Parl. July, 1931.

Germany. La politique étrangère: l'Allemagne et l'Europe. *L. Dumont-Wilden*. Rev. Bleue. June 20, 1931.

———. The Franco-German feud. *René Pinon*, *Hermann Oncken*, *Robert Dell*, *Lindsay Rogers*. Current Hist. Aug., 1931.

Great Britain. Great Britain and the Pacific. *Stephen A. Heald*. Pacific Affairs. Aug., 1931.

Greece-Turkey. Die Beziehungen zwischen Griechenland und der Türkei von 1820-1930. *Karl Strepp*. Zeitschrift Völkerrecht. XVI Band, Heft 1.

Inter-American Relations. Cuban-American relations concerning the Isle of Pines. *J. D. Frost*. Hisp. Am. Hist. Rev. Aug., 1931.

———. A Spanish league of nations? *George Raffalovich*. Outlook. July, 29, 1931.

———. The two Americas—obstacles to a better understanding. *W. L. Schurz*. Catholic World. Sept., 1931.

International Conventions. The collective aeronautical conventions and the possibility of their unification. *Salvatore Gacopardo*. Air Law Rev. Apr., 1931.

———. The international commission for air navigation: structure and functions. *W. M. Gibson*. Temple Law Quar. June, 1931.

———. The next world conference at Madrid and the international regula-

tion of electric and radio electric transmissions. *Robert Homburg*. Jour. Radio Law. July, 1931.

———. The international deserts league. *Mrs. A. S. Hoyt*. Americana. July, 1931.

———. Le congrès international postal de Londres, 1929. *H. R. Turkel*. Rev. Droit Int. et Légis. Comp. No. 1, 1931.

International finance. Le problème de l'or et la société des nations. *E. Hantos*. L'initiative du Président Hoover. *Edouard Pagen*. Le capitaux étrangers en Pologne. *C. de Kownacki*. Jour. Economistes. June, July, 1931.

———. Aspects of world war debt payments. *James L. Boswell*. Am. Econ. Rev. June, 1931.

———. The convention on financial assistance. *Sir John Fischer Williams*. Temple Law Quar. June, 1931.

———. Silver shackles. *L. B. N. Gnaedinger*. Outlook. June 3, 1931.

———. The future of gold in international monetary policy. *E. J. Broster*. Quar. Rev. July, 1931.

———. The Hoover plan. *H. V. Hodson*. Nine. Cent. Aug., 1931.

———. Changed brains, *J. P. Gcivit*. Survey. Aug. 1, 1931.

———. Dealing Europe a new hand. *T. B. Fbarra*. World's Work. Aug., 1931.

———. National and international control of foreign investments. *Walter H. C. Lavys*. Am. Pol. Sci. Rev. Aug., 1931.

———. The Hoover debt settlement. *James Thayer Gerould*. Current Hist. Aug., 1931.

———. Du rôle de la nature des crédits extérieurs dans les stabilisations monétaires. *Michel Mitzakis*. Rev. Droit Int. No. 1, 1931.

———. The international millstone. *G. P. Ault*. Atlan. Mo. Sept., 1931.

———. Strictly business. *P. H. Adams*. N. Am. Rev. Sept., 1931.

———. The silver problem. *Sir Arthur Salter*. Pol. Sci. Quar. Sept., 1931.

———. La banque des règlements internationaux. *Louis Trotabas*. Rev. Droit Int. et Légis. Comp. No. 1, 1931.

International Government. The concept of "international government." *Pitman B. Potter*. Am. Pol. Sci. Rev. Aug., 1931.

———. Legal framework of international society. *Harold M. Vinacke*. Cincinnati Law Rev. May, 1931.

———. World sovereignty and world culture. *Arnold J. Toynbee*. Pacific Affairs. Sept., 1931.

International Labor Organization. Sull'emissione nell'organizzazione internazionale del lavoro di stati non membri della società delle nazioni. *E. Massart*. Riv. Diritto Int. Apr.-June, 1931.

International Law. La notion des droits acquis et son application en droit international public. *A. Cavaglieri*. Rev. Gér. Droit Int. Pub. May-June, 1931.

———. Economic factors and international law. *G. G. Wilson*. Am. Jour. Int. Law. July, 1931.

———. Die allgemeinen Rechtsgrundsätze des Völkerrechts und die Fragen der Staatsangehörigkeit. *S. Rudstein*. Zeitschrift Völkerrecht. XVI Band, Heft 1.

———. Das neue Reglement des Institut de droit international, die diploma-

tischen Vorrechte betreffend. *Rafael Erich*. Zeitschrift Völkerrecht. XVI Band, Heft 1.

———. Sowjetstaat und Völkerrecht. *N. N. Alexeiew and Leo Zaitzeff*. Zeitschrift Völkerrecht. XVI Band, Heft 1.

———. Carlos Saavedra Lamas et la doctrine Argentine du droit international. *Albert de Lapradelle*. Rev. Droit Int. No. 1, 1931.

International Trade. La crise internationale de la navigation. *Sven Helander*. Rev. Econ. Int. May, 1931.

———. Tit for tariff. *Oliver McKee, Jr.* Outlook: June 24, 1931.

———. Extraterritorial industries of American nationals. *Chas. Cheney Hyde*. Am. Jour. Int. Law. July, 1931.

———. Uncle Sam learning the lender's lesson. *Garet Garrett*. Sat. Eve. Post. July 4, 1931.

———. Some problems of world economics. *T. Gregory*. Fort. Rev. Aug., 1931.

———. La clause de la nation la plus favorisée. *Edgard Allix*. Rev. Pol. et Parl. Aug., 1931.

———. Une politique du blé. *Cocle de Fels*. Rev. Paris. Aug. 1, 1931.

———. Die Ausführungs-verordnung im heutigen Staatsrecht. *Eberhard Rothe*. Archiv öffent. Recht. 20 Band, Heft 2, 1931.

League of Nations. Major problems of the league of nations. *Sir Charles Hobhouse*. Contemp. Rev. July, 1931.

Mandates. Le statut international de l'Iraq. *Stoyanovsky*. Rev. Gén. Droit Int. Pub. May-June, 1931.

———. La resurrection de la Mésopotamie sous le mandat français. *Paul Mily*. Nouvelle Rev. June 15, 1931.

———. Proposed termination of the Iraq mandate. *Quincy Wright*. Am. Jour. Int. Law. July, 1931.

———. The Palestine conflict. *H. C. Woods*. Quar. Rev. July, 1931.

———. English mandate in Palestine. The French mandate in Syria. *C. H. Sherrill*. Rev. of Revs. July, Aug., 1931.

Minorities. Problemi nuovi del diritto internazionale delle minoranze. *A. P. Sereni*. Riv. Diritto Int. Apr.-June, 1931.

———. Die Grossmächte und der Minderheitenschutz. *Georg Wopfner*. Deutsche Arbeit. May-June, 1931.

———. National minorities today. *Lord Noel-Buxton*. Contemp. Rev. Aug., 1931.

Nationality. La codification des lois sur la nationalité à la conférence de la Haye. *Jean van Houtte*. Rev. Droit Int. et Légis. Comp. No. 1, 1931.

Opium. La question de l'opium. *Max-Léo Gérard*. Rev. Econ. Int. May, 1931.

———. Smashing the dope rings. *S. T. Moore*. Forum. June, 1931.

Poland's foreign relations. *Gareth Jones*. Contemp. Rev. July, 1931.

Polish Corridor. Den polske Korridor. *C. S. de Muckadell*. Tilskueren. Mar., 1931.

———. The Polish corridor. *Bruce R. Ware, Jr.* U. S. Naval Inst. Proc. Sept., 1931.

Responsibility of States. The shooting of two Mexican students. *L. H. Woolsey*. Am. Jour. Int. Law. July, 1931.

———. La responsabilité des états à la conférence de la codification de la Haye. *Edwin M. Borchard*. Rev. Droit Int. et Légis. Comp. No. 1, 1931.

Russia. Das Sowjetdumping. *Waldemar Hoeffding*. Neue Formen des russischen Imperialismus. *Alfred Marcus*. Deutsche Rundschau. June, July, 1931.

———. La rôle international de Russie. *A. de Goulevitch*. Nouvelle Rev. June 1, 1931.

Syria. Armenian settlement in Syria. *G. Y. Gracey*. Contemp. Rev. July, 1931.

Territorial waters. Le problème des eaux territoriales à la conférence pour la codification du droit international en 1930. *Arnold Raestad*. Rev. Droit Int. No. 1, 1931.

Vatican. Le Vatican et le fascisme. *F. L. Ferrari*. Rev. Paris. July 15, 1931.

———. Le Vatican et l'Italie. *M. P. de Lamase*. Mercure de France. July 15, 1931.

———. The Vatican and fascismo. *Leavis Gwynn*. Nine. Cent. Aug., 1931.

Versailles Treaty. La propagande révisionniste en Allemagne. *Tazerout*. Rev. Pol. et Parl. June, 1931.

———. When Wilson failed as peace-maker. *Robert Lansing*. Sat. Eve. Post. June 20, 1931.

———. New light on the Paris peace conference. *Robert C. Binkley*. Pol. Sci. Quar. Sept., 1931.

———. Amnestieklausel und Versailler Vertrag. *Max Schröder*. Zeitschrift Völkerrecht. XVI Band, Heft. 1.

War and Peace. Il problema della guerra lecita nel diritto internazionale commune e nell'ordinamento della società delle nazioni. *G. Balladore Pallieri*. Riv. Diritto Int. July-Sept., Oct.-Dec. 1930. Jan.-Mar., Apr.-June, 1931.

———. An appeal to reason. *Thomas Mann*. Criterion. Apr., 1931.

———. The pleasant pains of war. *Leo Markun*. Open Court. June, 1931.

———. Taking stock of peace and war. *James T. Shotwell*. Scribner's. July, 1931.

———. Della guerra e della pace. *Francesco Grazioli* and *Emilio de Bono*. Nuova Antologia. July 1, Aug. 16, 1931.

———. Preparing for the next war. *H. C. Pell*. Am. Mercury. Aug., 1931.

———. Peace the keystone of the papacy. *Hugh McKenna*. Catholic World. Aug., 1931.

———. Peace versus the tin soldier. *Farasworth Crowder*. Survey. Sept. 1, 1931.

Warfare. La réglementation de l'emploi des sous-marins en cas de guerre. *A. H. Philipse*. Rev. Droit Int. et Légis. Comp. No. 1, 1931.

World Court. The independence of the permanent court of international justice. *Manley O. Hudson*. Am. Bar Assoc. Jour. July, 1931.

———. The human side of the world court. *Burr Price*. Am. Federationist. July, 1931.

———. Amended rules of the permanent court of international justice. *Manley O. Hudson*. Conclusions of the parties in the procedure of the permanent court of international justice. *A. H. Feller*. Basis of an advisory opinion by the world court on the proposed Austro-German customs union. *C. P. Anderson*. The

anschluss and the permanent court of international justice. *Philip Marshall Brown*. *Am. Jour. Int. Law*. July, 1931.

JURISPRUDENCE

Books

Annual survey of English law. Pp. 328. London: London School of Econ. and Pol. Science.

Barnes, Harry Elmer. Battling the crime wave. N. Y.: Stratford Co.

Buckland, W. W. The main institutions of Roman private law. Pp. xii + 410. London: Cambridge Univ. Press.

Cantor, Nathaniel F. Criminology. N. Y.: Henry Holt.

Corcos, F. Les avocats. Pp. 192. Paris: Montaigne.

Elliot, Mabel A. Conflicting pena theories in statutory criminal law. Pp. 287. Chicago: Univ. of Chicago Press.

Frankel, O. K. The Sacco-Vanzetti case. N. Y.: Knopf.

Ionescu, O. La notion de droit subjectif dans le droit privé. Pp. 202. Paris: Recueil Sirey.

Kuhn, Herbert. Die Rechtskraft in Steuersachen. Pp. xii + 284. Berlin: Rothschild.

Kutner, Stephan. Die juristische Natur der falschen Beweisaussage. Berlin: de Gruyter.

Lee, R. W. An introduction to Roman Dutch law. Pp. 463. London: Oxford Univ. Press.

Maciejewski, C. La théorie du droit. Pp. 183. Paris: Recueil Sirey.

Owen, C. King crime: an English study of America's greatest problem. Pp. 307. London: Ernest Benn.

Page, H. de. A propos du gouvernement des juges: l'équité en face du droit. Pp. 200. Paris: Recueil Sirey.

Perrin, M. Le dol dans la formation des actes juridiques. Pp. 213. Paris: Dalloz.

Rodière, René. Le délit politique. Pp. 255. Paris: Rousseau.

Articles

Administrative Law. Théorie générale des contrats de l'administration. *Gaston Jèze*. *Rev. Droit Pub. et Sci. Pol.* No. 2, 1931.

Austrian Code. Remarks on the revised Austrian civil code. *Marcel de Galais*. *N. Y. Univ. Law Quar. Rev.* June, 1931.

Crime. The war on crime. *Joseph Follemb.* *Am. Jour. Police Science*. May-June, 1931.

———. A practical measure of crime prevention. *Frazer Arnold*. *Com. Law League Jour.* June, 1931.

———. Results of investigations of the California crime commission. *Los Angeles Crime Committee*. *Jour. Crim. Law and Crim.* July, 1931.

———. Glorifying the criminals. *Malcolm Logan*. *Scribner's*. July, 1931.

———. The Jews war on crime. *E. K. Coulter*. *Outlook*. Aug. 12, 1931.

Delinquency. Factors in commitment of girl delinquents. *K. D. Lumpkin*.

Status of families of delinquent boys. *M. G. Caldwell*. *Am. Jour. Sociol.* Sept., 1931.

Grand Jury. The grand jury in Connecticut. *M. Nahum* and *L. M. Schatz*. *Conn. Bar Jour.* Apr., 1931.

———. A survey of the grand jury system. *W. L. Morse*. *Ore. Law Rev.* June, 1931.

———. Special grand juries in Illinois. *Editor*. *Jour. Crim. Law and Crim.* July, 1931.

Justice. Legal versus moral justice. *J. C. Millner*. *Notre Dame Lawyer*. May, 1931.

Law. The hypothetical nature of law. *T. Y. Nyl*. *China Law Rev.* Jan., 1931.

———. El derecho ideal. *J. G. Llano*. La evolución de la propiedad en el derecho constitucional. *F. Campuzano y Horma*. *Rev. Gen. Legis. y Juris.* Apr., June, 1931.

———. The common law. *J. G. Sarfesi*. *Boston Univ. Law Rev.* June, 1931.

———. Popularizing the law and legalizing the news. *Martin T. Manton*. *U.S. Law Rev.* June, 1931.

———. Völkerrecht, öffentliches Recht, und Privatrecht. *Rolf Knubben*. *Zeitschrift Völkerrecht*. XVI Band, Heft 1

Legal Aid. Law laboratories. *John E. Bradley*. *Survey*, June 1, 1931.

———. Law and the poor man. *E. B. Wright*. *Nine. Cent.* July, 1931.

Legal Method. Formalismo giuridico e dottrina pura del diritto. *Hans Kelsen*. *Nuovi Studi di Diritto, Economia, et Politica*. Mar.-Apr., 1931.

———. The pragmatist process in law. *F. V. Harper*. *Int. Jour. Ethics*. Apr., 1931.

———. Legal rules: their application and elaboration. *John Dickinson*. *Pa. Law Rev.* June, 1931.

———. The rational basis of legal science. *H. E. Yntema*. *Columbia Law Rev.* June, 1931.

———. Judicial technique. *Chester Roark*. Theory, experience, experimentation, and the logical method. *Albert J. Harro*. *Am. Bar Assoc. Jour.* July, Oct., 1931.

Legal Research. Socio-legal research at Yale. *D. S. Thomas*. *Am. Jour. Sociol.* Sept., 1931.

Penology. La determinazione tecnico-giuridica della misure di sicurezza e la nuova scienza del diritto penale. *Ugo Scialoja*. *Nuovi Studi di Diritto, Economia, e Politica*. Mar.-Apr., 1931.

———. Problems of penal administration. *M. F. Amrine*. *St. Louis Law Rev.* June, 1931.

Petit Jury. Our changing jury system. *W. B. Jones*. *Notre Dame Lawyer*. May, 1931.

———. Waiver of jury trial in felony cases. *W. T. Durgan* and *J. D. Galey*. *Ore. Law Rev.* June, 1931.

———. The petty offense category and trial by jury *Case and Comment Editor*. *Yale Law Jour.* June, 1931.

———. The supreme law of the land. *H. H. White*. *Am Bar Assoc. Jour.* Aug., 1931.

Philosophy of Law. Il diritto nell'opera di Osvaldo Spengler. *G. F. D'Anfiano*. Politica. Feb.-Apr., 1931.

———. Recenti indirizzi italiani di filosofia del diritto. II. *Arnaldo Volpicelli*. Nuovi Studi di Diritto, Economia, e Politica. Mar.-Apr., 1931.

———. How Greek philosophy helped to form our modern jurisprudence. *Charles P. Sherman*. Boston Univ. Law Rev. June, 1931.

Precedent. The problem of stare decisis in our constitutional theory. *L. B. Boudin*. N. Y. Univ. Law Quar. Rev. June, 1931.

———. The history of judicial precedent. *T. Ellis Lewis*. Law Quar. Rev. July, 1931.

Prisons. Colleges for crooks. *Jack Callahan*. Half baked criminology. *Harry Elmer Barnes*. Outlook. June 3, July 1, 1931.

———. Ending federal prison scandal. *Charles Stevenson*. Current Hist. July, 1931.

———. The Joliet (Illinois) legislative investigation. *Little et al.* Jour. Crim. Law and Crim. July, 1931.

———. Two years. *Emmett Gowen*. Scribner's. Aug., 1931.

———. Science goes to prison. *R. P. Holben*. Atlan. Mo. Aug., 1931.

———. Where convicts will not run away. *Wm. Inglis*. Rev. of Revs. Sept., 1931.

Probation. Probation. *G. W. McClintic*. Am. Bar Assoc. Jour. Sept., 1931.

Procedure. Some problems of procedure and suggested reforms. *E. F. Cochran*. Am. Bar Assoc. Jour. Aug., 1931.

Punishment. The justification of punishment. *J. Laird*. Monist. July, 1931.

Racketeering. A gentleman's racket. *Darwin Teilhet*. Outlook. Aug. 12, 1931.

Realistic Jurisprudence. Some realism about realism—responding to Dean Pound. *K. N. Llewellyn*. Harvard Law Rev. June, 1931.

Statutory Construction. Expressio unius est exclusio alterius. *Clifton Williams*. Marquette Law Rev. June, 1931.

Suability of Sovereigns. Trial of sovereigns for state and war offenses. *Anon.* Jurid. Rev. June, 1931.

LOCAL GOVERNMENT

Books

Clarke, *J. J.* Outlines of local government of the United Kingdom and the Irish Free State. (9th ed.) Pp. 246. London: Pitman.

Dubech, *L.*, and Espezel, *P.* Histoire de Paris. 2 vols. Paris: Pittoresques.

Goslee, *H. R.* Election administration in New York state cities (Pamphlet) Albany (N. Y.): N. Y. State Conf. of Mayors.

Gregory, *John G.* History of Milwaukee, Wisconsin. 4 vols. Chicago: S. J. Clarke Pub. Co.

Howell, *W. R.* The government of Kent county, Maryland. Pp. 215. Chestertown (Md.): The Author.

Lanni, *C. G.* Beat'em or join'em. Rochester (N. Y.): Rochester Alliance Press.

Macdonald, *Austin F.* A short course in American city government. Pp. ix + 470. N. Y.: Crowell.

Municipal index, The 1931. Pp. 871. N. Y.: Am. City Magazine Corp.

Municipal year book, Canada, 1931. Pp. 203. Montreal: Wisely Bragg Pub. Co.

Nicholson, J. W. House number signs (Pamphlet). N. Y.: Mun. Adm. Service.

Ralston, J. H. What's wrong with taxation? Pp. 199. San Diego (Calif.): Ingram Inst.

Refuse disposal in American cities Report by Civic Development Department, Chamber of Commerce of the U. S. (Pamphlet).

Trull, Edna. Municipal auditoriums (Pamphlet). N. Y.: Mun. Adm. Service.

Walker, W. F., and Associates. Kansas City health and hospital survey. Pp. 329. Kansas City (Kan.): Chamber of Commerce.

Wilcox, D. F. The administration of municipally owned utilities (Pamphlet). N. Y.: Mun. Adm. Service.

Wood, Edith E. Recent trends in American housing, N. Y.: Macmillan.

Zoning in the United States. *Annals of Am. Acad. of Pol. and Soc. Science*, May, 1931, Part II. Pp. 230.

Articles

Accounting. Mechanical equipment in municipal accounting. *M. F. Hoffman.* Pub. Management. Aug., 1931.

Administrative Discretion. Administrative law—power to vary the application of zoning ordinances. *L. R. Wheeler.* Cornell Law Quar. June, 1931.

Assessment. The problem of assessment administration. *R. W. Nelson.* Corn. Law League Jour. Aug., 1931.

Berlin. Det nye Berlin. *V. S. Møller.* Tilskueren. July, 1931.

Building Lines. Theory and practice in building lines under eminent domain. *Herbert S. Swan.* Nat. Mun. Rev. (Supp.) Sept., 1931.

Chicago. Chicago strikes back. *W. F. McDermott.* N. Am. Rev. July, 1931.

———. Brain muddle in Chicago. *H. D. Simpson.* Nat. Mun. Rev. Sept., 1931.

City Manager. A city manager's contact with the public. *J. N. Arthur and Others.* The finance officer as the chief staff agency. *C. C. Ludwig.* Press relations in city management. *Carroll H. Wooddy.* Pub. Management. July, Aug., 1931.

———. Teaneck under manager plan cuts taxes ten per cent. Nat. Mun. Rev. Aug., 1931.

City Planning. City planning in Maryland-Washington metropolitan district. *I. C. Root.* The city as a work of art. *Chas. Moore.* City planning in Rochester. *E. A. Fisher.* Trends in present day city planning in the United States. *H. S. Buttenheim.* City planning in soviet Russia. *Robert Whitten.* How to make a city plan. *H. M. Lewis.* Some aspects of port and city planning. *R. S. MacElwee.* City Planning. Jan., Apr., July, 1931.

———. Pioneering in city planning research. *H. V. Hubbard.* Aids to city replanning. *J. W. Manning.* Survey. June 15, Aug. 15, 1931.

Council Committees. Some observations on council committees. *Philip Monahan.* The rôle of council committees. *J. H. Ames and Others.* Pub. Management. June, 1931.

County Government. Workers for county welfare systems. *Raymond M. Gallagher*. *Social Service Rev.* June, 1931.

———. County reorganization blocked by Ohio legislature. *R. C. Atkinson*. *Nat. Mun. Rev.* Aug., 1931.

Developments. Notes on municipal affairs. *Thomas H. Reed*. *Am. Pol. Sci. Rev.* Aug., 1931.

Employees. Selection and organization of city employees. *J. L. Franzen*. *Commonwealth Rev.* May, 1931.

Finance. The bonded debt of 257 cities as at January 1, 1931. *C. E. Rightor*. *Municipal debt limits and the financing of publicly owned utilities*. *Lawrence L. Durisch*. *Nat. Mun. Rev.* June, Aug., 1931.

———. The proper municipal bond policy. *Henry Traxler*. *The Municipality*. June, 1931.

———. Reducing local government costs without eliminating essential service. *Franklin D. Roosevelt*. *Am. City*. Aug., 1931.

———. Our local government and its growing debts. *Charles J. Tobin*. *N. Y., Bar Assoc. Jour.* Sept., 1931.

Highways. Country roads—modern style. *F. A. Waugh*. *Survey*. July 1, 1931.

London. New era in London transport. *C. D. Holmsted*. *Nine Cent.* July, 1931.

Los Angeles. The Los Angeles bureau of power and light: development of market area. *M. G. Glaeser*. *Jour. Land and Pub. Util. Econ.* Aug., 1931.

———. Metropolis of the west. *Joseph Lilly*. *N. Am. Rev.* Sept., 1931.

Metropolitan Areas. Governing our metropolitan areas. *S. Gale Lowrie*. *Cincinnati Law Rev.* Mar., 1931.

Municipal Functions. The growth of a city government. *Lent D. Upson*. *Pub. Management*. June, 1931.

Municipal Ownership. The political sabotage of the Cleveland municipal light plant. *R. Huselman*. The economics and politics of Cleveland's municipal light plant. *Howell Wright*. Politics and Seattle's municipal light system. *Joseph P. Harris*. *Nat. Mun. Rev.* June, July, 1931.

———. Some problems of municipally-owned utilities. *David E. Lilienthal*. *The Municipality*. Aug., 1931.

Parks. A park system for the Maryland-Washington metropolitan district. *R. W. Rogers*. *City Planning*. Jan., 1931.

Police. Teletypewriter aids in police work. *R. Frank Harrel*. *Am. City*. June, 1931.

———. Needs and goals for police training. *A. G. Barry*. *Jour. Crim. Law and Crim.* July, 1931.

———. The lawless arm of the law. *E. J. Hopkins*. *Atlan. Mo.* Sept., 1931.

———. When may a police officer say in making an arrest. *T. E. Franklin*. *Am. Bar Assoc. Jour.* Oct., 1931.

Poor Relief. Detroit feeds its hungry. *William P. Lovett*. How Indianapolis combines poor relief with public work. *William H. Book*. *Nat. Mun. Rev.* July, Sept., 1931.

Public Property. How Rochester manages its real estate. *Warren W. Allen*. *Nat. Mun. Rev.* Aug., 1931.

———. Insurance on public property—does it pay? *Russell Drake*. Pub. Management. July, 1931.

Public Relations. The handling of complaints. *R. W. Arthur and Others*. Pub. Management. Aug., 1931.

Reform. Pittsburgh's city administration undergoing repairs. *Elbert Eibling*. Nat. Mun. Rev. July, 1931.

Schools. The Buffalo public school survey. *Harry H. Freeman*. Nat. Mun. Rev. Aug., 1931.

State Supervision. Municipal examinations: legal phases involved. *A. L. Doris*. N. Y. Bar Assoc. Jour. June, 1931.

———. North Carolina's new plan for controlling local fiscal affairs. *Chester B. Masslich*. Nat. Mun. Rev. June, 1931.

Streets. Rights of telephone companies in location of conduits in city streets—police power of municipal corporations. *B. E. Harding*. Cornell Law Quar. June, 1931.

Theory of Municipal Rule. Giovanni Garzoni on ruling a city. *Lynn Thorndike*. Pol. Sci. Quar. June, 1931.

Traffic. London traffic bill will make history. *G. R. Strauss*. Labour Mag. June, 1931.

———. This motor ache. *Earle Dufy*. Outlook. Aug. 19, 1931.

Unemployment Aid. Los Angeles meets unemployment. *H. C. Fremming*. Am. Federationist. July, 1931.

Water Supply. More water for southern California. *William teGroen*. Nat. Mun. Rev. Aug., 1931.

———. The water supply of cities in the United States. *R. M. Brown*. Scientific Mo. Aug., 1931.

Zoning. Principles which should control limitations in bulk of buildings. *F. L. Olmsted*. City Planning. Jan., 1931.

———. To make zoning administration less costly and more efficient. *C. M. Stegner*. Am. City. Aug., 1931.

———. Zoning problems. *A. J. Ratuck*. The Municipality. Sept., 1931.

POLITICAL THEORY AND MISCELLANEOUS

Books

Seligman, Edwin R. A., ed. Encyclopaedia of the social sciences. Vol. IV. Pp. xxvii+710. N. Y.: Macmillan.

Swann, W. F. G., and *Others*. Essays on research in the social sciences. Washington: Brookings Inst.

Widdis, Albert. Communism, the first law of nature (Pamphlet). Long Beach (Calif.): The Author.

Atholl, Duchess of. Women and politics. Pp. viii+184. London: Philip Allan.

Barthélemy, Joseph. La crise de la démocratie contemporaine. T. I. Pp. 225. Paris: Recueil Sirey.

Beyle, Herman C. Identification and analysis of attribute cluster blocs. Chicago: Univ. of Chicago Press.

Burns, C. D. Political ideals. (4th ed.) Pp. 358. N. Y.: Oxford Univ. Press.

Carlson, H. S. Information and certainty in political opinions. (Pamphlet). Iowa City (Ia.): Univ. of Ia.

Chang, S. H. M. The Marxian theory of the state. Pp. 230. Chester (Pa.): John Spencer.

Corujo, Enrique H. La democracia y la funcion. Pp. 265. Habana: Imprenta y Papeleria de Rambla.

Davis, Henry. State sterilization of the unfit. London: Burns, Oates.

Einzig, Paul. The world economic crisis, 1929-1931. Pp. xii+165. London: Macmillan.

Gross, Leo. Pazifismus und Imperialismus. Pp. x+453. Leipzig: Franz Deuticke.

Hayes, Carlton J. H. The historical evolution of modern nationalism. N. Y.: R. R. Smith.

Knoop, D. The riddle of unemployment. Pp. viii+192. London: Macmillan.

La Bigne de Villeneuve, M. de. Traité général de l'état: essai d'une théorie réaliste de droit politique. T. II. Pp. 347. Paris: Recueil Sirey.

Le Fevre, Louis. Liberty and restraint. Pp. 388. N. Y.: Knopf.

Laski, H. J. An introduction to politics. Pp. 112. London: Allen & Unwin.

Matthews, Mary Alice, comp. The cost of war and preparedness for war: select list of references on the direct and indirect costs of war. (Pamphlet.) Washington: Carnegie Endowment for Int. Peace.

Moon, Thomas P., ed. Depression and revival. Pp. 129. N. Y.: Acad. of Pol. Science.

Mouskheli, M. La théorie juridique de l'état fédéral. Pp. 302. Paris: A. Pedone.

Robertson, J. M. Electoral justice: a survey of the theory and practice of political representation. Pp. xii+104. London: British Periodicals.

Roos, Roman. Wirklichkeit und Schein im modernen Staatsbegriff. Berlin: W. Rothschild.

Articles

Chinese Political Thought. The early legalist school of Chinese political thought. *Leonard Tomkinson.* Open Court June, July, Aug., Sept., 1931.

Compact Theory. The compact theory of confederation. *Norman McL. Rogers.* Canadian Bar Rev. June, 1931.

Conservatism. What is conservatism? *Douglas Jerrold.* English Rev. June, 1931.

Economics and Ethics. On the content of welfare. *A. B. Wolfe.* Am. Econ. Rev. June, 1931.

Fascism. The limits of fascism. *J. D. Gregory.* Eng. Rev. Aug., 1931.

Federal Government. Une nouvelle théorie de l'état fédéral. *J. L. Kunz.* Rev. Droit Int. et Légis. Comp. No. 4, 1930, No. 1, 1931.

Government and Business. The ancient maxim caveat emptor. *W. H. Hamilton.* Yale Law Jour. June, 1931.

———. The essentials of socialization. *G. D. H. Cole.* Pol. Quar. July-Sept., 1931.

Governmental Functions. Art and politics. *Albert Guérard.* Scribner's. July, 1931.

Liberty. The limits of political obligation. *W. Macmahon Ball*. Int. Jour. Ethics. Apr., 1931.

———. Identificazione dell'individuo e dello Stato come attori economici: prezzi economici e prezzi politici. *Massimo Fovel*. Nuovi Studi di Diritto, Economia, e Politica. Mar.-Apr., 1931.

———. The coming conservative revolution. *Wilhelm Stapel*. English Rev. July, 1931.

Nationalism. Heinrich Luden—a pioneer of nationalism. *W. E. Brown*. Contemp. Rev. Aug., 1931.

Natural Rights. The nullifiers of the immutable law. *Benjamin S. Dean*. Lawyer and Banker. July-Aug., 1931.

Plato. Plato: great philosopher and teacher. *Charles W. Heathcote*. Social Sci. July, 1931.

Political Geography. Technology and political boundaries. *William Beard*. Am. Pol. Sci. Rev. Aug., 1931.

Political Science. A nomenclature in political science (II). *Charles H. Titus*. Am. Pol. Sci. Rev. Aug., 1931.

———. Present status of legislation requiring the teaching of the constitution in colleges and universities. *V. O. Key, Jr.* Am. Pol. Sci. Rev. Aug., 1931.

Politics. Cultura y politica. *E. M. Ulloa* Rev. Bimestre Cubana. May-June, 1931.

Public Opinion. The press and public opinion. *Walter Lippmann*. Pol. Sci. Quar. June, 1931.

Socialism. The socialist menace. *W. W. Paine*. English Rev. Aug., 1931.

Vindicae Contra Tyrannos. L'auteur de l'ouvrage *Vindicae contra tyrannos*, publié sous le nom Stephanus Junius Brutus. *G. T. van Yselsteyn*. Rev. Hist. May-June, 1931.

William Blake. The political philosophy of William Blake. *M. L. Plunkett*. So. Atlantic Quar. Jan., 1931.

GOVERNMENT PUBLICATIONS

MILES C. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

American Samoan commission. American Samoan commission's visit to Samoa, Sept.-Oct., 1930; by Reuel S. Moore and Joseph R. Farrington. Washington: Govt. Ptg. Off., 1931. 68 p.

Civil service commission. Information concerning transfers. Washington: Govt. Ptg. Off., 1931. 5 p.

———. Veteran preference in appointment to civil offices under United States government. Washington: Govt. Ptg. Off., 1931. 8 p.

Commerce department. *Census burcaz.* 15th census of United States, 1930: v. 1, Population, number, and distribution of inhabitants, total population for states, counties, and townships, or other minor civil divisions, for urban and

rural areas, and for cities and other incorporated places. Washington: Govt. Ptg. Off., 1931. 1268 p.

Congress. House of representatives, Immigration and naturalization committee. Bill to permit oath of allegiance by candidates for citizenship to be made with certain reservations, hearings, 71st Congress, 2d session, on H. R. 3547, May 8-9, 1930. Washington: Govt. Ptg. Off., 1931. 117 p.

Labor department. Naturalization cases. In Court of appeals of District of Columbia, no. 5032, United States v. Robert De Frances, appeal. . . . Washington: Govt. Ptg. Off., 1931. 4 p.

———. Same, United States v. Douglas Clyde Macintosh. Washington: Govt. Ptg. Off., 1931. 16 p. (The two items above are reprints of the court's opinion in two recent important naturalization cases. They state the law regarding certain conscientious objections put forth by applicants for naturalization as United States citizens.)

Library of Congress. Law library. Guide to law and legal literature of France; by George Wilfred Stumberg. Washington: Govt. Ptg. Off., 1931. 242 p.

National commission on law observance and enforcement. Manual for field workers, study of business of Federal courts, conducted for National commission. . . . Washington: Govt. Ptg. Off., 1931. 43 p.

———. Problem of law enforcement, address by George W. Wickersham, chairman . . . before Regional crime committee, Cincinnati, Ohio. . . . Washington: Govt. Ptg. Off., 1931. 12 p.

———. Report on prosecution. Washington: Govt. Ptg. Off., 1931. 337 p.

Pan American union. Pan American union and Pan American conferences; by William Manger. Washington: Govt. Ptg. Off., 1931. 12 p. (From Bulletin, April, 1931.)

———. Report of Preparatory commission for disarmament conference and draft convention. Washington: Govt. Ptg. Off., 1931. 102 p. (Publication 192.)

———. Conciliation and arbitration in America; by Victor M. Maurtua. Washington: Govt. Ptg. Off., 1931. 22 p. (From Bulletin, April, 1931.)

Personnel classification board. Personnel program for Federal civil service; by Herman Feldman. Washington: Govt. Ptg. Off., 1931. 289 p.

President of United States. Address by President Hoover at Valley Forge Park, May 30, 1931. Washington: Govt. Ptg. Off., 1931. 5 p.

State department. Proceedings of London naval conference of 1930 and supplementary documents. 1931. Washington: Govt. Ptg. Off., 1931. 306 p. (Publication 187.)

———. Rights of United States and of its nationals in Iraq, convention and protocol between United States and Great Britain and Iraq; signed London, Jan. 9, 1930; proclaimed Mar. 11, 1931. Washington: Govt. Ptg. Off., 1931. 51 p. (Treaty series 835.)

———. Work of State department, radio address by Henry L. Stimson, Secretary of state, May 9, 1931. Washington: Govt. Ptg. Off., 1931. 10 p. (Publication 195.)

STATE AND TERRITORIAL

CALIFORNIA

Commission on county home rule. County government in California. Final re-

port of the California commission on county home rule submitted to the governor of California, Dec., 1930. Sacramento, 1931. 236 p.

———. *Crime commission*. Report of the California crime commission, 1931. Sacramento, 1931. 132 p.

Legislature. Joint committee on the scenic preservation of state highways. Report. . . . Sacramento, 1931. 25 p.

University of California, Berkeley. Library. Spain and Spanish America in the libraries of the University of California. A catalogue of books. II. The Bancroft library. Berkeley, 1930. 839 p.

CONNECTICUT

Commission to study pension systems. Report of Commission appointed to study pension systems in the state of Connecticut, 1930-31. Hartford, 1931. 102 p.

State library. Connecticut town records, June 30, 1930. . . . Hartford, 1930. 53 p.

DISTRICT OF COLUMBIA

Public library. Books on the Constitution of the United States; a selected list, compiled by the Reference department. Washington: Govt. Ptg. Off., 1930. 9 p.

HAWAII

University of Hawaii. The constitution of the Hawaiian republic, by Thomas Marshall Spaulding. Honolulu, 1931. 11 p. (Univ. of Hawaii. Occasional papers, no. 12.)

ILLINOIS

Committee on child welfare legislation. Report, February 3, 1931 . . . pursuant to resolution of the fifty-sixth General assembly. Springfield, 1931. 308 p.

Secretary of state. The Archives division of the Illinois state library, by William J. Stratton, secretary of state. Springfield, 1931. 32 p.

INDIANA

Board of state charities. New social legislation, 1931. Indiana state conference on mental health, Indianapolis, Dec. 8, 1930. Indianapolis, 1931. 181-276 p.

Board of tax commissioners. Taxing units of Indiana, 1931. Indianapolis, 1931. 80 p.

Commission for a survey of the problem of state aid for public schools. Report . . . authorized by the General assembly of 1929. Indianapolis, 1931. 59 p.

IOWA

University of Iowa, Iowa City. The Iowa plan for county organization of social work, compiled by Ina T. Tyler and Emil M. Sunley. Iowa City, 1931. 20 p.

KANSAS

Governor. Message of Governor Harry H. Woodring to the Kansas legislature, January 14, 1931. Topeka, 1931. 23 p.

University of Kansas, Lawrence. Bureau of governmental research and service. Legislative procedure in Kansas, by Frederic H. Guild . . . and Clyde F. Snider. Lawrence, 1930. 84 p.

MARYLAND

Historical society, Baltimore. Archives of Maryland, 47. Journal and correspondence of the State council of Maryland (letters to the governor and council). 1781. Baltimore, 1930. 609 p.

MICHIGAN

Governor. Fourth special message to the Legislature, Monday, February 9, 1931, by Wilber M. Brucker, Governor. Lansing, 1931. 5 leaves.

MINNESOTA

Commission on criminal apprehension. Research committee. State organizations for the apprehension of criminals. Comp. for the Commission . . . by its Research committee. St. Paul, 1931. 187 p.

Secretary of state. The legislative manual of the state of Minnesota, comp. for the legislature of 1931 by Mike Holm, secretary of state. St. Paul, 1931. 558 p.

University of Minnesota, Minneapolis. Conference on governmental relationships. Areas of public administration. Law enforcement, utilities, finance, health. National, state, local. Minneapolis, 1931. (Bulletin of the University . . . Vol. 24, no. 24.)

— . Conference on judicial administration, July 8 and 9, 1930. Minneapolis, 1931. 41 p. (Bulletin of the University, Vol. 34, no. 17.)

NEBRASKA

Legislature. Nebraska legislature, 47th session, 1931. Committee reference and subject matter of Senate files. Bills introduced by respective senators. . . . Lincoln, 1931. 67 p.

OHIO

Governor's taxation committee. Business taxes. Fifth preliminary report of the Committee on research. . . . Columbus, 1931. 13 p.; 39 p. mimeo.

OREGON

Governor's committee on workmen's compensation law, Portland. Majority report. . . . Portland, 1931. 23 p.

RHODE ISLAND

Secretary of state. Manual with rules and orders for the use of the General assembly, 1931-32. . . . Providence, 1931. 458 p.

VIRGINIA

Secretary of the commonwealth. Virginia election laws in effect June 17, 1930. . . . Richmond, 1931. 128 p.

State library. Extension division. Bibliography of Virginia state documents; scope and methods, by Wilmer L. Hal. Richmond, 1930. 14 p.

University of Virginia, Charlottesville. Institute for research in the social sciences. Workmen's compensation and automobile liability insurance in Virginia. . . . New York, Century Co., 1931. 203 p.

WEST VIRGINIA

Secretary of state. West Virginia legislative hand-book and manual and official register, 1930. Charleston, 1930. 921 p.

FOREIGN AND INTERNATIONAL

AUSTRIA

Wirtschaftskommission. Bericht über die Ursachen der wirtschaftlichen Schwierigkeiten Österreichs. Wien, 1931. 172 p.

GERMANY

Institute für ausländisches und internationales Privatrecht. Die deutsche Rechtsprechung auf dem Gebiete des internationalen Privatrechts im Jahre 1929. Berlin, 1930. 254 p. (Sonderheft d. Zeitschrift für ausländisches und internationales Privatrecht.)

Reichsministerium des Innern. Fingerzeige für die Gesetzes- und Amtssprache. . . . Berlin; Reichsverlagsamt, 1931. 55 p.

———. Verordnung des Reichspräsidenten über d. anmeldung von zahlungsverpflichtungen gegenüber d. ausländ. Vom 27. 7. 1931. (Reichsgesetzblatt, teil 1, 1931, no. 43.)

Reichszentrale für Heimatsdienst. Zum verfassungstag. Eine zusammenstellung von reden, zitierten, gedichten, daten u. vorschlägen zur ausgestaltung von verfassungsfeiern. . . . Berlin, Zentralverlag, 1931. 64 p.

———. Dernburg, Bernhard: Der preissturz auf dem weltmarkt und seine ursachen. Berlin, Zentralverlag, 1931. 32 p.

Richtlinie. No. 215-216: Die notverordnung vom 5. Juni 1931. Ihr inhalt und ihre bedeutung. 1931. 15 p.

———. no. 217: Das weltschuldenmoratorium und seine bedeutung. Berlin, 1931. 7 p.

Preussia. Staatsbibliothek. Steistrup, Hans: Die schuldenlast des weltkrieges. Quellen- u. literatur-nachweis zu d. interalliierten kriegsschulden und d. reparationen. . . . Berlin, Struppe und Winkler, 1931. 111 p.

GOLD COAST

Governor. Address by acting governor, Mr. G. A. S. Northcote, on opening of the 1931-32 session of the Legislative council 1931. 125 p.

GREAT BRITAIN

Foreign trade of the Union of soviet socialist republics. Report by the Commercial counsellor to H. M. Embassy in Moscow, May, 1931. . . . Lond: H.M.S.O., 1931. (Cmd. 3904.)

Nationality and naturalization laws of certain foreign countries. Lond: H.M.S.O., 1931. (Misc. series no. 14.)

Royal commission on the civil service, 1929-31. Report, July 8, 1931. Lond: H.M.S.O., 1931. (Cmd. 3909.)

Colonial office. Special report by His Majesty's government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the progress of Iraq during the period 1920-1931. Lond: H.M.S.O., 1931. 331 p. map. (Colonial no. 58.)

———. Papers relating to the question of the closer union of Kenya, Uganda, and the Tanganyika territory. Lond: H.M.S.O., 1931. 130 p. (Colonial no. 57.)

Indian round table conference. Proceedings of sub-committees. Lond: H.M.S.O., 1931. 2 v.

Foreign office. Convention between His Majesty and His Majesty the King of Iraq and the President of the United States of America regarding the rights of the United States and its nationals in Iraq; with protocol and exchanges of notes. . . . Lond: H.M.S.O., 1931. 54 p. (Treaty series, 1931, 19.)

Convention between His Majesty and the President of the United Mexican States supplementary to the convention of Nov. 19, 1926, respecting British pecuniary claims in Mexico owing to revolutionary acts. . . . Lond: H.M.S.O., 1931. 7 p. (Treaty series, 1931, 23.)

Exchange of notes between His Majesty's government in the Union of South Africa and the Portuguese government respecting the boundary between the mandated territory of Southwest Africa and Angola. . . . Lond: H.M.S.O., 1931. 17 p. (Treaty series, 1931, 28.)

PERU

Archivo diplomático Peruano. El congreso de Panamá (1826). Recopilación y prólogo por Raul Porras Barrenochea. Lima, 1930. 500, XXIII p.

POLAND

Ministerstwo skarbu. Propriétés de l'état polonais; situation à la date du 1^{er} janvier 1927, par Stanislaw Kruszewski. Warsaw, 1931. 410 p. (text in Polish).

UNION OF SOUTH AFRICA

Notes exchanged between the Union government and the Japanese consul concerning Japanese migration into South Africa. 1931. 4 p.

URUGUAY

Dirección de comercio exterior. La República del Uruguay en su primer centenario (1830-1930). 2a. ed. corr. y aum. . . . Montevideo, 1930. 234 p.

LEAGUE OF NATIONS

Rules of procedure of the assembly. . . . (Edition published in April, 1931, containing the amendments adopted at the second, third, fourth, ninth, and eleventh ordinary sessions of the assembly.) Geneva, 1931. 22 p. (C220. M. 92. 1931. V.)

Commission of enquiry for European union. Economic depression. Report. . . . Geneva, 1931. 16 p. (C284. M. 134. 1931. VII.)

———. Minutes of the third session of the commission. Geneva, 1931. 211 p. (C395. M. 158. 1931. VII.)

Nationality of women. Report by the secretary-general. Geneva, 1931. 14 p. (A.19. 1931. V.)

Progressive codification of international law. Observations by the governments. Ser. 1-2. Geneva, 1931. 2 pts. (A.12. 1931. V.)

Special committee appointed to frame a draft general convention to improve the means of preventing war. Minutes of session . . . May 11-15, 1931. Geneva, 1931. 52 p. (A.14. 1931. VII.)

INDEX TO VOLUME XXV

COMPILED BY JESSIE P. BOSWELL

Indiana Legislative Bureau

Abbott, Wilbur C. Books noticed.....	217
ACADEMY OF INTERNATIONAL LAW. Notes on.....	436
Adams, Randolph G. Books noticed.....	214
Adamic, Louis. Books noticed.....	477
AFRICA. Books reviews on: Smuts, J. C., <i>Africa and Some World Problems</i>	204
AGRICULTURE. Book notices.....	238, 496
Aikin, Charles. Movement for revision of the California constitution, the state constitutional commission.....	337
AIRPORTS. Book notices.....	483
ALDRICH, NELSON W. Book notices.....	215
Alexander, Norman. Books noticed.....	775
ALFIERI, VITTORIO. Book notices.....	794
ALIENS. Aylsworth, L. E., Passing of alien suffrage.....	114
Book notices.....	775, 1114
Allen, Carleton Kemp. Books noticed.....	793
Allport, Floyd Henry. Books noticed.....	797
Allyn, Emily. Books of, reviewed.....	1079
American Government and Politics.....	61, 327, 932
<i>American Government Today</i> , W. B. Munro. Book notices.....	217
AMERICAN LEGISLATORS' ASSOCIATION. Notes on.....	165
<i>American Leviathan</i> , C. A. and William Beard. Reviewed.....	468
American Political Science Association. Annual meeting.....	170, 718
Progress report of Committee on Policy.....	437, 1060
AMERICAN SOCIETY OF INTERNATIONAL LAW. Notes on.....	437
<i>American Year Book, 1930</i> . Book notice.....	773
<i>America's Way Out</i> , Norman Thomas. Reviewed.....	765
Anderson, William. Conference on University Training for the National Service	1058
Andrews, Charles Freer. Books noticed.....	224
Andrews, Fannie Fern. Book reviews.....	758
Angell, James Waterhouse. Books noticed.....	226
APPORTIONMENT. Huntington, E. V., Methods of apportionment in Congress Short, L. M., Congressional redistricting in Missouri.....	961 634
Arneson, Ben Albert. Norway moves toward the right.....	152
Artz, Frederick B. Books of, reviewed.....	778
ATLANTIC CITY. Book notices.....	484
Auerbach, Joseph S. Books noticed.....	236
Aumann, F. R. Course of judicial review in the state of Ohio.....	367
AUSTRALIA. Book notices.....	223
Book reviews on: Canaway, A. P., <i>Failure of Federalism in Australia</i>	199

AUSTRIA. Book reviews on: Glaise-Horsienau, Edmund von, <i>Collapse of the Austro-Hungarian Empire</i>	1103
Aylsworth, Leon E. Passing of alien suffrage.....	114
Bailey, S. H. Some problems of Article XXIV of the Covenant.....	406
BANKS AND BANKING. Book notices.....	497, 797
Book reviews on: Warburg, P. M., <i>Federal Reserve System</i>	192
Barclay, Thomas S. Publicity division of the Democratic party, 1929-30..	68
Barker, Ernest. Books noticed.....	790
Bauer, John. Books noticed.....	484
Beard, Charles Austin. Book reviews.....	755
Books noticed.....	236, 486
Books of, reviewed.....	468, 475
Beard, Mary Ritter. Books of, reviewed.....	475
Beard, William. Government by special consent.....	61
Technology and political boundaries.....	557
Books of, reviewed.....	468
BELGIUM. Book reviews on: Henry, Albert, <i>Administration et Fonctionnaires</i>	1081
Bell, Kenneth Norman. Books noticed.....	225
Bellquist, Eric Cyril. First northern political science and public law congress	168
Berdahl, Clarence A. Book reviews.....	457
Berman, Edward. Books of, reviewed.....	461
Best, Harry. Books of, reviewed.....	474
Bishop, Ward L. Books noticed.....	219
BISMARCK, OTTO, PRINCE VON. Book notices.....	784
Blakey, Roy G. Books noticed.....	485
Bland, F. A. Books noticed.....	223
Bloch, Jean-Richard. Books of, reviewed.....	737
BOUNDARIES. Beard, William, Technology and political boundaries.....	557
Boyd, Anne Morris. Books noticed.....	775
Bradley, Phillips. Book reviews.....	745, 760
Bradshaw, William R. County managerial tendencies in Missouri.....	1008
BRANDEIS, LOUIS DEMBITZ. Mason, A. T., Mr. Justice Brandeis, exponent of social intelligence.....	965
Breckinridge, Sophonisba P. Books of, reviewed.....	758
Breskovskaia, Katerina. Books of, reviewed.....	1073
Brinton, Clarence Crane. Books of, reviewed.....	739
Brinton, Jasper Yeates. Books of, reviewed.....	208
Bromage, Arthur W. Crisis in county government in Michigan.....	135
Brooks, Robert C. Book reviews.....	454
Books of, reviewed.....	196
Brown, Everett S. Some bibliographical aids to the use of British government publications.....	401
Time of meeting of Congress.....	955
BRYAN, WILLIAM JENNINGS. Book notices.....	215
BULGARIA. Book notices.....	238

<i>Bureaucracy Triumphant</i> , C. K. Allen. Book notice.....	793
BURGESS, JOHN WILLIAM. Notes on.....	163
Burns, Emile. Books of, reviewed.....	752
Butler, Nicholas Murray. Books noticed.....	228
Callahan, Ellen Elizabeth. Books noticed.....	1102
Callicott, Wilfrid Hardy. Books of, reviewed.....	1095
CANADA. Book reviews on: Graham, G. S., <i>British Policy and Canada, 1774-1791</i>	786
Canaway, Arthur Pitcairn. Books of, reviewed.....	199
Cardozo, Benjamin N. Books of, reviewed.....	749
Carpenter, Jesse T. Books of, reviewed.....	466
Carroll, Eber Malcolm. Books of, reviewed.....	1096
Catlin, George E. G. Books reviews.....	735
CATTANEO, CARLO. Book notices.....	791
CEYLON. Fairlie, J. A., Ceylon's government, old and new.....	396
Chamberlin, William H. Books of, reviewed.....	1073
CHAMBERS OF COMMERCE. Herring, E. P., <i>chambres de commerce; their legal status and political significance</i>	689
Chang, Sherman, H. M. Books of, reviewed.....	738
Chase, Eugene Parker. Parliamentary control of foreign policy in Great Britain.....	861
Book reviews.....	1079
Chatterton, E. Keble. Books noticed.....	489
Cheng, Seymour Ching-Yuan. Books noticed.....	783
Cheyney, Edward P. Books noticed.....	783
CHICAGO. Book reviews on: Smith, T. V., and White, L. D., <i>Chicago, an Experiment in Social Science Research</i>	210
CHILE. Book reviews on: Dennis, W. J., <i>Tacna and Arica</i>	761
CHINA. Fairlie, J. A., Constitutional developments in China.....	1016
Johnstone, W. C., Jr., Feetham report, a new plan for Shanghai	1044
Book notices.....	1105
Book reviews on: Holcombe, A. N., <i>Spirit of the Chinese Revolution</i>	203
Chinard, Gilbert. Book reviews.....	739
CHURCH AND STATE. Book notices.....	495
CHURCH OF ENGLAND. Book notices.....	238
Churchill, Winston Leonard Spencer. Books noticed.....	494
<i>Citizenship</i> , C. H. Maxson. Reviewed.....	757
CITY MANAGER PLAN. Reed, T. H., Notes on municipal affairs.....	673
<i>City Manager Year Book, 1931</i> . Book notice.....	482
CITY PLANNING. Book reviews on: Duffus, R. L., <i>Mastering a Metropolis</i> ..	764
<i>Civic Attitudes in American School Textbooks</i> , B. L. Pierce. Reviewed....	197
<i>Civic Training in Switzerland</i> , R. C. Brooks. Reviewed.....	196
CIVIL SERVICE. Book reviews on: Dawson, R. M., <i>Civil Service in Canada</i>	452
Feldman, Herman, <i>Personnel Program for the Federal Civil Service</i>	1083
White, L. D., <i>Civil Service in the Modern State</i>	452

CIVILIZATION. Book notices.....	236, 475, 476
Book reviews on: Miller, Francis, and Hill, Helen, <i>Giant of the Western World</i>	209
Clark, Jane Perry. Books noticed.....	1114
Clark, Joseph L. Books noticed.....	221
Coker, Francis W. Book reviews.....	443
Colegrove, Kenneth. Japanese privy council.....	589, 881
<i>Colonial Land and Emigration Commission</i> , F. H. Hitchins. Book notice...	784
Colton, Ethan C. Books noticed.....	780
Commanger, Henry S. Books noticed.....	1102
COMMITTEE ON UNIFORM CRIME RECORDS. Notes on.....	163
COMMUNISM. Book notices.....	780
Condiffe, John Bell. Books noticed.....	234
Conover, Milton. Book reviews.....	1083
CONSTITUTIONAL CONVENTIONS. Book reviews on: Swisher, C. B., <i>Motivation and Political Technique in the California Constitutional Convention</i>	481
CONSTITUTIONAL LAW. See LAW, CONSTITUTIONAL	
CONSTITUTIONS. Key, V. O., Jr., Present status of legislation requiring the teaching of the constitution in colleges and universities.....	727
Rackow, Lewis, Doctrine of the sovereignty of the constitution	573
CONSTITUTIONS, STATE. Aiken, Charles, Movement for revision of the California constitution.....	337
Field, O. P., State constitutional law in 1930-31, amendment of state constitutions.....	650
Godshall, W. L., State constitutional development through amendment, 1930.....	327
Book reviews on: Green, F. M., <i>Constitutional Development in the South Atlantic States, 1776-1860</i>	754
CORRUPT PRACTICES. Book notices.....	797
Book reviews on: Zink, Harold, <i>City Bosses in the United States</i>	454
Corwin, Edward Samuel. Book reviews.....	459
COUNTY GOVERNMENT. Bradshaw, W. R., County managerial tendencies in Missouri.....	1008
Bromage, A. W., Crisis in county government in Michigan....	135
Murphy, W. C., County managership proposed in Texas.....	1013
Book reviews on: Fairlie, J. A., and Kneier, C. M., <i>County Government and Administration</i>	184
Kilpatrick, Wylie, <i>Problems in Contemporary County Government</i>	187
See also LOCAL GOVERNMENT	
COURTS. Cushman, R. E., Constitutional law in 1929-30, judicial power....	77
Field, O. P., State constitutional law in 1930-31, the judiciary	654
Book reviews on: Brinton, J. Y., <i>Mixed Courts of Egypt</i>	208
Fuller, H. N., <i>Criminal Justice in Virginia</i>	479
Mnley, Raymond, <i>Our Criminal Courts</i>	190

Departments on: Dodd, W. F., ed., Judicial organization and procedure	367, 980
<i>See also</i> CRIME AND CRIMINALS	
COURTS, MUNICIPAL. Book notices.....	1100
COURTS, PROCEDURE. Grant, J. A. C., Felony trials without a jury.....	980
Crandall, Andrew Wallace. Books noticed.....	477
Crawford, Finla G. Operation of the literacy test for voters in New York..	342
Book reviews.....	1086
Books noticed.....	220
Creecraft, Earl W., Doctoral disserations in political science.....	798
CRIME AND CRIMINALS. Field, O. P., State constitutional law in 1930-31, protection to persons accused of crime.....	666
Book notices.....	221, 231, 1103
Book reviews on: Best, Harry, <i>Crime and the Criminal Law in the United States</i>	474
Moley, Raymond, <i>Our Criminal Courts</i>	190
Pound, Roscoe, <i>Criminal Justice in America</i>	1087
Sherrill, G. R., <i>Criminal Procedure in North Carolina</i>	474
Topping, C. W., <i>Canadian Penal Institutions</i>	475
<i>See also</i> COMMITTEE ON UNIFORM CRIME RECORDS	
<i>Criminal Justice in America</i> , Roscoe Pound. Book notice.....	216
CROKER, RICHARD. Book notices.....	483
Curtis, Merle Eugene. Books noticed.....	235
Cushman, Robert Eugene. Constitutional law in 1929-30.....	73
CZECHOSLOVAKIA. Book reviews on: <i>Ceskoslovenská Právní věda V. 5, Stát</i> ...	751
Davis, Jerome. Books of, reviewed.....	1077
DAWES, CHARLES GATES. Book notices.....	497
Dawson, Robert MacGregor. Books, of, reviewed.....	452
Dealey, James Quayle. Book reviews.....	495
Dean, Vera Micheles. Book reviews.....	1073
DEBT. Field, O. P., State constitutional law in 1930-31, imprisonment for debt	666
DEBTS, PUBLIC. Book notices.....	219
Dennis, Alfred L. P. Books of, reviewed.....	1106
Dennis, William Jefferson. Books of, reviewed.....	761
Dewey, A. Gordon. Parliamentary control of external relations in the British dominions.....	285
Dewey, Davis R. Book reviews.....	192
<i>Dictatorship on Trial</i> , O. F. de Battaglia. Book notice.....	793
Diesel, Eugen. Books of, reviewed.....	777
DIPLOMATIC AND CONSULAR SERVICE. Book reviews on: Stimson, F. J., <i>My United States</i>	1099
Director, Aaron. Books noticed.....	1120
Dodd, Walter Fairleigh. Departments: Judicial organization and procedure	367, 980
Donnelly, Thomas C. Books noticed.....	1101

Douglas, Paul Howard. Prospects for a new political alignment.....	906
Books noticed.....	1120
Drake, Russell P. Books noticed.....	220
Dubois-Richard, P. Books of, reviewed.....	193
DUE PROCESS OF LAW. Cushman, R. E., Constitutional law in 1929-30, due process of law.....	82, 88
Duffus, Robert Luther. Books of, reviewed.....	764
Duffy, Herbert S. Books noticed.....	215
Dumbauld, Edward. Book reviews.....	1091
<i>Dynamite, the Story of Class Violence</i> , Louis Adamic. Book notice.....	477
EARLHAM INSTITUTE OF POLITY. Notes on.....	723
ECONOMIC CONDITIONS. Douglas, P. H., Prospects for a new political align- ment	906
Book reviews on: Thomas, Norman, <i>America's Way Out</i>	765
ECONOMICS. Book notices.....	1118
Eddy, Sherwood. Books of, reviewed.....	752
EGYPT. Book reviews on: Brinton, J. Y., <i>Mixed Courts of Egypt</i>	208
ELECTIONS. Crawford, F. G., Operation of the literacy test for voters in New York	342
Book reviews on: Gosnell, H. F., <i>Why Europe Votes</i>	195
Ellingwood, Albert R. Book reviews.....	747, 1076
Elliott, William Yandell. Book reviews....	223, 226, 1077, 1105, 1107, 1108
Ellis, Ellen Deborah. Book reviews.....	735
Elsbree, Hugh Landon. Books of, reviewed.....	1086
Book reviews.....	763
Emerson, Rupert. Book reviews.....	741, 743
<i>Encyclopaedia of the Social Sciences</i> . Reviewed.....	769
<i>Essays in Colonial History Presented to Charles McLean Andrews by his Students</i> . Book notices.....	791
<i>Ethical Basis of the State</i> , W. W. Willoughby. Reviewed.....	443
EUROPE. Book notices.....	487, 782, 783, 789, 790
Book reviews on: Ray, P. O., <i>Major European Governments</i>	1080
<i>Failure of Federalism in Australia</i> , A. P. Canaway. Reviewed.....	199
Fairlie, John Archibald. Ceylon's government, old and new.....	396
Constitutional developments in China.....	1016
Books of, reviewed.....	184
Fairman, Charles. Books of, reviewed.....	457
Farrara, Orestes. Books of, reviewed.....	206
FASCISM. Book notices.....	487
Book reviews on: Trentin, Silvio, <i>Antidémocratie</i> ; Trentin, Silvio, <i>Aux Sources du Fascisme</i>	737
Faulkner, Harold Underwood. Books noticed.....	496
FEDERAL AID. Macdonald, A. F., Recent trends in federal aid to the states	628
<i>Federal Reserve System, its Origin and Growth</i> , P. M. Warburg. Reviewed	192

FEDERALISM. Book reviews on: Canaway, A. P., <i>Failure of Federalism in Australia</i>	199
Feetham report, a new plan for Shanghai, W. C. Johnstone, Jr.	1044
Feiler, Arthur. Books of, reviewed	752
Feinberg, Nathan. Books noticed	232
Feldman, Herman. Books of, reviewed	1083
Fenwick, Charles Ghequier. Book reviews	207
FERGUSON, ADAM. Book notices	494
Field, Oliver P. State constitutional law in 1930-31	650
Books of, reviewed	459
FINANCE, PUBLIC. Field, O. P., State constitutional law in 1930-31, finance and taxation	662
Book notices	237, 774, 775
Book reviews on: Walker, M. L., <i>Municipal Expenditures</i>	456
FINANCE, STATE SUPERVISION. Pate, J. E., State supervision of local fiscal officers in Virginia	1004
Book notices	484
Fischer, Louis. Books noticed	227
Books of, reviewed	1073
FIVE YEAR PLAN. See RUSSIA; SOVIET GOVERNMENT	
Flournoy, Richard W. Books noticed	231
Folwell, William Watts. Books noticed	221
Forbes, Russell. Books noticed	485
Foreign governments and politics	146, 377, 683, 1016
FRANCE. Heinberg, J. G., Personnel of French cabinets	389
Book reviews on: Artz, F. B., <i>France Under the Bourbon Restoration</i>	778
Brinton, C. C., <i>The Jacobins</i>	739
Carroll, E. M., <i>French Public Opinion and Foreign Affairs</i> ..	1096
Saposs, D. J., <i>Labor Movement in Post-War France</i>	1076
Frank, Jerome. Books of, reviewed	749
Frankfurter, Felix. Books of, reviewed	447
FREEDOM OF THE PRESS. Field, O. P., State constitutional law in 1930-31, freedom of speech and press	665
Friedrich, Carl Joachim. Book reviews	1064
Fuess, Claude Moore. Books of, reviewed	470
Fuller, Hugh Nelson. Books of, reviewed	479
Gallagher, Hubert R. Books noticed	221
GASOLINE TAX. Book notices	220
Gaus, John M. Present status of the study of public administration in the United States	120
Gee, Wilson. Book reviews	211
Books noticed	238
GERMAN-AMERICAN CLAIMS COMMISSION. Book notices	1111
GERMANY. Pinsdorf, Kate, Nature and aims of the National Socialist German labor party	377

Book notices.....	226, 1109
Book reviews on: Diesel, Eugen, <i>Die Deutsche Wandlung</i>	777
<i>Giant of the Western World</i> , Francis Miller and Helen Hill. Reviewed....	209
Gilbert, Hiram T. Books noticed.....	1100
Glaise-Horstenaus, Edmund von. Books of, reviewed.....	1103
Godshall, Wilson Leon. State constitutional development through amendment, 1930	327
Book reviews.....	472
GOMPERS, SAMUEL. Book notices.....	235
Gosnell, Harold Foots. Book reviews.....	212
Books of, reviewed.....	195
GOVERNMENT. Beard, William, Government by special consent.....	61
Field, O. P., State constitutional law in 1930-31, the administrative branch	659
Book notices.....	214, 475, 773, 795, 796, 1097
Book reviews on: Frankfurter, Felix, <i>Public and its Government</i>	447
Henry, Albert, <i>Administration et Fonctionnaires</i>	1081
Departments on: Kneier, C. M., and Hyneman, C. S., Recent publications of political interest.....	240, 498, 812, 1122
GOVERNMENT, FOREIGN. Book notices.....	222, 485, 775, 1103
Departments on: Foreign governments and politics.....	146, 377, 683, 1016
Kneier, C. M. and Hyneman, C. S., Recent publications of political interest.....	246, 510, 822, 1130
GOVERNMENT, SEPARATION OF POWERS. Field O. P., State constitutional law in 1930-31, separation of powers.....	652
Book notices.....	784
GOVERNMENT PUBLICATIONS. Brown, E. S., Some bibliographical aids to the use of British government publications.....	401
Book notices.....	775
Departments on: Price, M. O., Government publications, list of....	273, 542, 849, 1155
Governors' messages, 1931, Harvey Walker.....	346
Graham, Gerald Sandford. Books of, reviewed.....	786
Grant, J. A. C. Felony trials without a jury.....	980
GREAT BRITAIN. Brown, E. S., Some bibliographical aids to the use of British government publications.....	401
Book notices.....	225, 226, 781, 783, 790
GREAT BRITAIN, CONSTITUTION. Book notices	486
Book reviews on: Petit-Dutaillis, Charles, and Lefebvre, George, <i>Studies and Notes Supplementary to Stubbs' Constitutional History</i>	485
GREAT BRITAIN, FOREIGN RELATIONS. Chase, E. P., Parliamentary control of foreign policy in Great Britain.....	861
Dewey, A. G., Parliamentary control of external relations in British dominions.....	285
Book reviews on: Dennis, A. L. P., <i>Anglo-Japanese Alliance</i>	1106
GREAT BRITAIN, GOVERNMENT AND POLITICS. Book reviews on: Graham, G. S., <i>British Policy and Canada</i>	786

Keith, A. B., <i>Constitutional History of the First British Empire</i>	473
Keith, A. B., <i>Dominion Autonomy in Practice</i>	1104
Livingston, W. R., <i>Responsible Government in Nova Scotia, a Study of the Constitutional Beginnings of the British Commonwealth</i>	200
GREAT BRITAIN, PARLIAMENT. Pollock, J. K., Position of the British parliament	683
Book notices	225
Book reviews on: Allyn, Emily, <i>Lords versus Commons</i>	1079
Greaves, H. R. G. Books noticed	1109
Green, Fletcher Melvin. Books of, reviewed	754
Green, Harry J. Books of, reviewed	478
Grinko, Grigorii Fedorovich. Books of, reviewed	752
Gross, Leo. Books of, reviewed	741
Grozier, Joshua. Books noticed	236
Guggenheim, Paul. Books of, reviewed	1089
Guild, Frederic Howland. Books noticed	479
Habicht, Max. Books of, reviewed	1094
Haines, Charles Grove. Books of, reviewed	182
Haksar, Kailas Narain. Books noticed	776
Hale, Oron J. Books noticed	1109
Halévy, Elie. Books noticed	230
• Hanford, Alfred Chester. Departments: Books reviews and notices	182, 443, 769, 1064
Harley, Herbert. Book reviews	190
Harley, John Eugene. Books of, reviewed	472
Harper, Samuel Northrup. Books of, reviewed	1073
Hart, Albert Bushnell. Book reviews	214
Hart, James. Book reviews	445, 447
Hawtrej, Ralph George. Books noticed	233
Hayes, Carlton J. H. Books of, reviewed	743
Heinberg, John G. Personnel of French cabinets	389
Heneman, Harlow J. Administration of Japan's Pacific mandate	1029
Henry, Albert. Books of, reviewed	1081
Herring, Edward Pendleton. Chambres de commerce: their legal status and political significance	689
Book reviews	215, 225, 236, 477, 483, 773, 782, 783, 1101
Herriot, Edouard. Books noticed	782
Hesseltine, William Best. Books noticed	234
Hibben, Paxton. Books noticed	215
Hill, Helen D. Books of, reviewed	209
Hill, Norman Llewellyn. Books of, reviewed	745
Hitchins, Fred H. Books noticed	784
Hodges, Charles. Books noticed	1110
Hodges, Henry G. Books noticed	494

Holcombe, Arthur Norman. Trench warfare.....	914
Books of, reviewed.....	203
Book reviews.....	794, 795
Hoover, Calvin Bryce. Books of, reviewed.....	752
Hopper, Bruce C. Book reviews.....	228, 780
Books of, reviewed.....	1073
Horack, Frank Edward. Book reviews.....	1085
Hormell, Orren Chalmer. State legislation on public utilities in 1930.....	103
Hoskins, Halford Lancaster. Books noticed.....	231
Howland, Charles Prentice. Books of, reviewed.....	201
Hubbard, Henry V. Books noticed.....	483
Hudson, Manley O. Books noticed.....	231
Hughes, R. O. Book reviews.....	198
<i>Huguenot Theory of Politics</i> , Ernest Barker. Book notice.....	790
Hull, William I. Books noticed.....	224
Hunt, Erling M. Books noticed.....	223
Huntington, Edward V. Methods of apportionment in Congress.....	961
Hyneman, Charles S. Departments: Recent publications of political interest	240, 498, 812, 1122
Ilin, M. pseud. See Marshak, Ilya Iakovlevich	
ILLITERACY. Book notices.....	1116
IMPEACHMENT. Stewart, F. M., Legislative pardon for impeachment.....	365
IMPERIALISM. Book notices.....	231
INDIA. O'Rourke, V. A., Sovereignty of the native Indian states.....	1022
Book notices.....	224, 487, 775, 784, 785
<i>Industrial Property, International Protection of</i> , S. P. Ladas. Reviewed..	472
INDUSTRY. Mason, A. T., Mr. Justice Brandeis, exponent of social intelli- gence	965
Book notices.....	1119, 1121
INSTITUTE FOR GOVERNMENT RESEARCH. Notes on	1056
INSTITUTE OF CITIZENSHIP. Notes on	162
INSTITUTE OF INTERNATIONAL RELATIONS. Notes on.....	162
INSTITUTE OF PACIFIC RELATIONS. Notes on	1055
INSTITUTE OF POLITICS. Notes on	726
INSTITUTE OF PUBLIC AFFAIRS. Notes on.....	436
INSTITUTE OF STATESMANSHIP. Notes on.....	162
INSTITUTE OF HUMAN RELATIONS. Notes on.....	723
INSURANCE, MUNICIPAL. Book notice.....	220
International Affairs.....	406, 704, 1029
<i>International Affairs, Journal of the Royal Institute</i> . Book notice.....	1107
INTERNATIONAL CITY MANAGERS' ASSOCIATION. Notes on.....	1105
INTERNATIONAL CONFERENCE OF INSTITUTIONS FOR THE SCIENTIFIC STUDY OF INTERNATIONAL RELATIONS. Notes on.....	725
INTERNATIONAL INSTITUTE OF PUBLIC LAW. Notes on.....	167
INTERNATIONAL LAW. Book notices.....	785, 1112

Book reviews on: Ladas, S. P., <i>International Protection of Industrial Property</i>	472
Simons, Walter, <i>Evolution of International Public Law in Europe</i>	785
Stowell, E. C., <i>International Law</i>	1092
INTERNATIONAL RELATIONS. Laves, W. H. J., National and international control of foreign investments	704
Potter, P. B., Concept of "International Government"	713
Book notices	227, 489, 492, 785, 1106, 1110, 1112
Book reviews on: Habicht, Max, <i>Post-War Treaties for the Pacific Settlement of International Disputes</i>	1094
Harley, J. E., <i>International Understanding</i>	472
Hill, N. L., <i>International Administration</i>	745
Guggenheim, Paul, <i>Mesures Prévisibles de Procédure Internationale et leur Influence sur le Développement du Droit des Gens</i>	1089
Moore, J. B., <i>International Adjudications, Ancient and Modern</i>	1091
Mower, E. C., <i>International Government</i>	745
Stoke, H. W., <i>Foreign Relations of the Federal State</i>	760
Sturzo, Luigi, <i>International Community and the Right of War</i>	207
Departments on: International Affairs	406, 704, 1029
Kneier, C. M. and Hyneman, C. S., Recent publications of political interest	256, 520, 833, 1140
INTERSTATE COMMERCE. Book reviews on: Elstree, H. L., <i>Interstate Transmission of Electricity</i>	1086
INVESTMENTS. Laves, W. H. C., National and international control of foreign investments	704
IOWA. Book reviews on: Shambaugh, B. E., <i>Municipal Government and Administration in Iowa</i>	189
IOWA POLITICAL SCIENCE ASSOCIATION. Notes on	724
IRELAND. Book notices	785
Irwin, Ray W. Books noticed	1108
Ishii, Viscount Kikujiro. Books of, reviewed	762
ITALY. Steiner, H. A., Treaty-making power in Fascist Italy	146
Book notices	791, 794
JACOBINS. Book reviews on: Brinton, C. C., <i>Jacobins, an Essay in New History</i>	739
JAPAN. Colegrove, Kenneth, Japanese privy council	589, 881
Heneman, H. J., Administration of Japan's Pacific mandate	1029
Book reviews on: Ishii, Kikujiro, <i>Gaiho Yoroku [Diplomatic Record]</i>	762
Jász, Oscar. Book reviews	737, 738
Jellinek, Walter. Books noticed	1118
Johnson, Alvin, ed. Books of, reviewed	769
Johnston, Henry Alan. Books noticed	236
Johnstone, William C., Jr. Feetham report: a new plan for Shanghai	1044
Jones, Chester Lloyd. Book reviews	206, 1095

Jones, J. Catron. Make-up of a state legislature.....	116
Jordan, Donaldson. Books noticed.....	789
Judicial organization and procedure, W. F. Dodd, <i>ed.</i>	367, 980
JURISPRUDENCE. Departments on: Kneier, C. M., and Hyneman, C. S. Recent publications of political interest.....	265, 530, 841, 1148
JURY. Grant, J. A. C., Felony trials without a jury.....	980
Karraker, C. H. Books noticed.....	218
Katz, Daniel. Books noticed.....	797
Kawakami, K. K. Book reviews.....	762
Keedy, Edwin R. Books noticed.....	237
Keith, Arthur Berriedale. Books of, reviewed.....	473, 1104
Key, Valdimer O., Jr. Present status of legislation requiring the teaching of the constitution in colleges and universities.....	727
Kiesselbach, Wilhelm. Books noticed.....	1111
Kilpatrick, Wylie. Books of, reviewed.....	187
King, Clyde Lyndon. Twenty-sixth annual meeting of the American political science association.....	170
Departments: Legislative notes and reviews.....	103
Notes on.....	433
Kneier, Charles Mayard. Books of, reviewed.....	184
Departments: Recent publications of political interest.....	240, 498, 812, 1122
Knickerbocker, H. R. Books of, reviewed.....	752
Koch-Weser, Erich. Books noticed.....	226
Krabbe, Hugo. Books noticed.....	1113
Kraus, Wolfgang. Books noticed.....	487
Kuhn, Arthur K. Book reviews.....	208
Kuypers, Mary Shaw. Books noticed.....	496
LABOR. Stoke, H. W., Federal governments and international labor agreements.....	424
Book notices.....	235, 239, 1121
Book reviews on: Berman, <i>Labor and the Sherman Act</i>	461
Pipkin, C. W., <i>Social Politics and Modern Democracies</i>	747
Saposs, D. J., <i>Labor Movement in Post-War France</i>	1076
Ladas, Stephen Pericles. Books of, reviewed.....	472
Laing, Lionel H. Book reviews.....	200
Lambert, Jacques. Books noticed.....	238
Lambie, Morris B. Book reviews.....	452
Landshur, Siegfried. Books noticed.....	795
Laski, Harold Joseph. Books noticed.....	793
Books of, reviewed.....	733, 735
Lasswell, Harold Dwight. Measurement of public opinion.....	311
Book reviews.....	234, 1070
Books of, reviewed.....	445
Latimer, Hugh. Books noticed.....	494, 789

LATIN AMERICA. Book reviews on: Williams, M. W., <i>People and Politics of Latin America</i>	205
See also PAN-AMERICA	
Latthe, A. B. Books noticed.....	776
Laughlin, James Lawrence. Books noticed.....	1118
Laves, Walter H. C. National and international control of foreign investments	704
Lavine, Emanuel H. Books noticed.. ..	477, 797
LAW. Sandelius, Walter. National sovereignty versus the rule of law.....	1
Book reviews on: Cardozo, E. N., <i>Law and Literature</i> ; Frank, Jerome, <i>Law and the Modern Mind</i> ; Zane, F. M., <i>Story of Law</i> ; Haines, C. G., <i>Revival of Natural Law Concepts</i>	749 182
Departments on: Kneier, C. M., and Hyneman, C. S., Recent publications of political interest.....	240, 498, 812, 1122
LAW, CONSTITUTIONAL. Cushman, E. E., Constitutional law in 1929-30....	73
Field, O. P., State constitutional law in 1930-31.....	650
Book notices.....	214, 475, 1097
Book reviews on: Field, O. P., <i>Selection of Cases and Authorities on Constitutional Law</i>	459
LAW, CRIMINAL. Book notices.....	237
LAW, MARITIME. Book notices.....	493, 1119
LAW, MARTIAL. Book reviews on: Farman, Charles, <i>Law of Martial Rule</i>	457
<i>Law and Literature</i> , B. N. Cardozo. Reviewed.....	749
<i>Law and the Modern Mind</i> , Jerome Frank. Reviewed.....	749
LAW-MAKING. Book reviews on: Luce, Robert, <i>Legislative Principles</i>	450
Lawrence, Joseph S. Books noticed.....	497
Laws and Liberties of Massachusetts. Book notices.....	216
Leach, Paul R. Books noticed.....	497
LEAGUE OF NATIONS. Bailey, S. H., Some problems of Article XXIV of the Covenant	406
Potter, P. B., Permanent delegations to the League of Nations	21
Book notices.....	787, 1109
Book reviews on: <i>Ten Years of World Coöperation</i>	491
LEGISLATION. Departments on: King, C. L., ed. Legislative notes and reviews	103, 346, 628
Notes on.....	1055
LEGISLATION, JUDICIAL REVIEW. Auman, F. R., Course of judicial review in the state of Ohio.....	367
Legislative notes and reviews. C. L. King, ed.....	103, 346, 628
LEGISLATIVE PROCEDURE. Book reviews on: Winslow, C. I., <i>State Legislative Committees</i>	1085
<i>Legislative Procedure in Kansas</i> , F. H. Guild and C. F. Snyder. Book notice	479
LEGISLATURES. Field, O. P., State constitutional law in 1930-31, the legislature	658
Jones, J. C., Make-up of a state legislature.....	116

Book reviews on: Green, H. J., <i>Study of the Legislature of the State of Maryland</i>	478
Lehmann, William Christian. Books noticed.....	494
LENIN, NIKOLAI. Book reviews on: Vernadsky, George, <i>Lenin, Red Dictator</i>	1073
Levi, Alessandro. Books noticed.....	791
LIBERTY. Book reviews on: Laski, H. J., <i>Liberty in the Modern State</i>	733
<i>Lincoln and his Cabinet</i> , C. E. Macartney. Reviewed.....	464
LINTHICUM FOUNDATION. Notes on.....	162
Livingston, Walter Ross. Books of, reviewed.....	200
LLOYD GEORGE, DAVID. Book notices.....	489
LOCAL GOVERNMENT. Reed, T. H., <i>Metropolitan government</i>	681
Wager, P. W., <i>State centralization in North Carolina</i>	996
Book notices.....	218, 478
Book reviews on: Robson, W. A., <i>Development of Local Government</i>	763
Departments on: Kneier, C. M., and Hyneman, C. S. Recent publications of political interest.....	268, 535, 844, 1150
Reed, T. H., ed., <i>Rural local government</i>	135, 996
See also COUNTY GOVERNMENT; MUNICIPAL GOVERNMENT	
LOUISIANA. Book notices.....	221
Luce, Robert. Books of, reviewed.....	450
Lutz, Harley Leist. Books noticed.....	237
Macartney, Clarence Edward. Books of, reviewed.....	464
Macdonald, Austin F. Recent trends in federal aid to the states.....	628
Books noticed.....	1102
MacLaughlin, Martin. Books noticed.....	783
Macmahon, Arthur Whittier. Third session of the seventy-first Congress..	932
Madariaga, Salvador de. Books noticed.....	796
MAINE. Notes on.....	162
Mallet, Sir Charles. Books noticed.....	489
Mallory, Walter H. Books noticed.....	488
MANDATES. Book notices.....	1111
Mann, Julia DeLaey. Books noticed.....	1121
Markham, Sydney Frank. Books noticed.....	796
<i>Marriage and the Civic Rights of Women</i> , S. P. Breckinridge. Reviewed..	758
Marshak, Ilia Iakovlevich. Books noticed.....	784
Martin, Charles E. Book reviews.....	757
<i>Marxian Theory of the State</i> , S. H. M. Chang. Reviewed.....	738
Mason, Alpheus Thomas, Mr. Justice Brandeis; exponent of social intelligence	965
Book reviews.....	461
Massachusetts. Book notices.....	216
Maxson, Charles Hartshorn. Books of, reviewed.....	757
Mazur, Paul M. Books noticed.....	239
Megaro, Gaudence. Books noticed.....	794
Meinecke, Friedrich. Books of, reviewed.....	1064

MELBOURNE, WILLIAM LAMB, <i>2nd viscount</i> . Book notices.....	222
Merriam, Charles Edward. Books noticed.....	1117
METROPOLITAN AREAS. See LOCAL GOVERNMENT	
MEXICO. Book notices.....	232
Book reviews on: Calcott, W. H., <i>Liberalism in Mexico</i>	1095
Meyer, Jacob C. Books noticed.....	495
MICHIGAN. Bromage, A. W., <i>Crisis in county government in Michigan</i>	135
Miller, Francis Pickens. Books of, reviewed.....	209
Millis, Walter. Books noticed.....	789
Mills, Lennox A. Book reviews.....	752
MINORITIES. Book reviews on: Carpenter J. T., <i>The South as a Conscious Minority</i>	466
MINNESOTA. Book notices.....	221, 484
<i>Minnesota Year Book</i> . Book notices.....	219, 1100
MISSOURI. Bradshaw, W. R., <i>County managerial tendencies in Missouri</i> ..	1008
Short, L. M., <i>Congressional redistricting in Missouri</i>	634
Mitchell, Nick P., Jr. Books noticed.....	1111
Moley, Raymond. Book reviews.....	474, 1089
Books of, reviewed.....	190
MONARCHY. Book notices.....	1113
MONEY. Book notices.....	1118
Moor, Julius. Books noticed.....	794
Moore, John Bassett. Books of, reviewed.....	1091
Morgan, James. Books noticed.....	775
Morison, Samuel Eliot. Books noticed.....	1102
Morrell, William Parker. Books noticed	225
Morris, W. A. Books noticed.....	486
Morrow, Ian F. D. Books noticed.....	1103
Mower, Edmund Curtis. Books of, reviewed.....	745
Mowrer, Edgar Ansel. Books of, reviewed	1070
Muir, Ramsay. Books noticed.....	788
Mukerji, Dhan Gopal. Books noticed.....	784
Mullett, Charles F. Books noticed.....	214
MUNICIPAL GOVERNMENT. Book notices.....	220, 484, 1102
Book reviews on: Shambaugh, B. F., <i>Municipal Government and Administration in Iowa</i>	189
Walker, M. L., <i>Municipal expenditures</i>	456
Zink, Harold, <i>City Bosses in the United States</i>	454
Departments on: Reed, T. H., <i>Notes on municipal affairs</i>	671
See also CITY MANAGER PLAN; LOCAL GOVERNMENT	
Munn, Glenn G. Books noticed.....	797
Munro, William Bennett. Books noticed.....	217, 782
Murphy, Wallace C. <i>County managership proposed in Texas</i>	1013
MUSSOLINI, BENITO. Book notices.....	784
Muzumdar, H. T. Books noticed.....	776
Myers, Denys Peter. Book reviews.....	492
Books noticed.....	787

Myers, William Starr. Looking toward 1932.....	925
Books of, reviewed.....	767
NATIONAL INSTITUTE OF PUBLIC ADMINISTRATION. Notes on.....	723
NATIONAL MUNICIPAL LEAGUE. Notes on.....	724
National sovereignty versus the rule of law, Walter Sandelius.....	1
NATIONALITY. Book notices.....	231
NATIONALISM. Book notices.....	794
Book reviews on: Hayes, C. J. H., <i>Historical Evolution of Modern Nationalism</i>	743
Nevins, Allan. Books noticed.....	490
NEW YORK CITY. Book reviews on: Luffus, R. L., <i>Mastering a Metropolis</i>	764
NEW SOUTH WALES. Book notices.....	223
NEW ZEALAND. Book notices.....	234
Newman, Bertram. Books noticed.....	222
News and Notes, F. A. Ogg, ed. ....158, 432, 718, 1051	
NEWSPAPERS. Book notices.....	237
Nomenclature in political science, C. H. Titus.....45, 615	
NORMAN WAIT HARRIS MEMORIAL FOUNDATION. Notes on.....	724
NORTH CAROLINA. Wager, P. W., State centralization in North Carolina....	996
NORTHERN ASSOCIATION OF JURISTS. Notes on.....	1057
Notes on administration, L. D. White, ed.	120
Notes on municipal affairs, T. H. Reed.....	671
Notes on rural local government, T. H. Reed, ed.....135, 996	
NORWAY. Arneson, B. A., Norway moves toward the right.....	152
NOVA SCOTIA. Book reviews on: Livingston, W. R., <i>Responsible Government in Nova Scotia</i>	200
Odegard, Peter H. Book reviews.....	765
Books of, reviewed.....	445
Ogg, Frederic Austin. Departments: News and Notes.....158, 432, 718, 1051	
OHIO. Aumann, F. R., Course of judicial review in the state of Ohio.....	367
O'Rourke, Vernon A. Sovereignty of the native Indian states.....	1022
Osborn, Arthur. Books noticed.....	224
OTIS, JAMES. Book notices.....	214
Overacker, Louise. Book reviews.....	767
Owen, David Edward. Books noticed.....	230
Padelford, Norman J. Book reviews.....	1095
PALESTINE. Book notices.....	488
PAN-AMERICA. Book reviews on: Farrara, Orestes, <i>El Panamericanismo y La Opinion Europea</i>	206
Panikkar, K. M. Books noticed.....	776
Parrington, Vernon Louis. Books noticed.....	495
Pasvolsky, Leo. Books noticed.....	238
Pate, James E. State supervision of local fiscal officers in Virginia.....	1004
Payne, George Henry. Books noticed.....	790

PEACE AND PACIFICISM. Book notices.....	228, 232, 235, 794
Book reviews on: Gross, Leo, <i>Pacifismus und Imperialismus</i>	741
Peel, Roy V. Books noticed.....	1101
Pell, John. Books noticed.....	217
Pepper, George Wharton. Books noticed.....	217
Percy, Lord Eustace S. C. Books noticed.....	493
Phelps, Christina. Books noticed.....	232
Pierce, Bessie L. Books of, reviewed.....	197
Pinkevitch, Albert P. Books noticed.....	227
Pinsdorf, Kate. Nature and aims of the National Socialist German Labor party	377
Pohl, Karl. Book reviews.....	472
Pipkin, Charles Wooten. Books of, reviewed.....	747
PITT, WILLIAM. Book notices.....	489
Political geography as a political science field, H. H. Sprout.....	439
<i>Political Handbook of the World</i> , W. H. Mallory. Book notice.....	488
Political outlook in the United States, a symposium.....	906
POLITICAL PARTIES. Barclay, T. S., Publicity division of the Democratic party	68
Douglas, P. H., Prospects for a new political alignment....	906
Holcombe, A. N., Trench warfare.....	914
Myers, W. S., Looking toward 1932.....	925
Pinsdorf, Kate, Nature and aims of the National Socialist German labor party.....	377
Book reviews on: Crandall, A. W., <i>Early History of the Republican Party</i>	477
POLITICAL SCIENCE. Bellquist, E. C., First northern political science and public law congress.....	168
Gaus, J. M., Present status of the study of public administra- tion in the United States.....	120
Titus, C. H., Nomenclature in political science.....	45, 615
Book reviews on: Meinecke, Friedrich, <i>Die Idee der Staatsräson in der Neueren Geschichte</i>	1064
POLITICAL SCIENCE, BIBLIOGRAPHY. Crecraft, E. W., Doctoral dissertations in political science.....	798
Departments on: Kneier, C. M., and Hyreman, C. S., Recent publica- tions of political interest.....	271, 539, 847, 1153
POLITICAL SCIENCE, TEACHING. Book notices.....	1112
Notes on	725
POLITICS. Book notices.....	797, 1101, 1117
Notes on	725
Book reviews on: Laski, H. J., <i>Politics</i>	735
Lasswell, H. D., <i>Psychopathology and Politics</i>	445
Mowrer, E. A., <i>Sinon, or the Future of Politics</i>	1070
Woody, C. H., <i>Case of Frank L. Smith</i>	768
Zink, Harold, <i>City Bosses in the United States</i>	454

Pollock, James K. Position of the British parliament.....	683
Book reviews.....	195, 768
Polner, Tikhon J. Books noticed.....	780
POPULATION. Book notices.....	1115
Porter, Kirk H. Book reviews.....	187
POTASH. Book notices.....	1119
Potter, Pitman Benjamin. Concept of "International Government".....	713
Permanent delegations to the League of Nations.....	21
Book reviews.....	1092, 1110
Pound, Roscoe. Books noticed.....	216
Books of, reviewed... ..	1087
Pratt, Edwin J. Books noticed.....	789
Price, Miles O. Departments: Government publications... ..	273, 542, 849, 1155
PRISONS. Book notices.....	234, 475
PRIVY COUNCIL. Colegrove, Kenneth, Japanese privy council.....	589, 881
PROHIBITION. Cushman, R. E., Constitutional law in 1929-30, Volstead Act ..	86
Book notices.....	236, 1105, 1120
PROPAGANDA. Notes on.....	724
<i>Psychopathology and Politics</i> , H. D. Lasswell. Reviewed.....	445
PUBLIC ADMINISTRATION, BUREAU OF, UNIVERSITY OF CALIFORNIA. Notes on ..	1056
PUBLIC ADMINISTRATION CLEARING HOUSE. Notes on ..	165
PUBLIC OPINION. Lasswell, H. D., Measurement of public opinion.....	311
Book notices.....	237
Book reviews on: Carroll, E. M., <i>French Public Opinion and Foreign Affairs</i>	1096
Odegard, P. H., <i>American Public Mind</i>	445
PUBLIC SERVICE, TRAINING FOR. Notes on.....	437, 1058
PUBLIC UTILITIES. Hormell, C. C., State legislation on public utilities in 1930	103
Book notices.....	484
Book reviews on: Elsbree, H., <i>Interstate Transmission of Electricity</i> ..	1086
Publicity division of the Democratic party, T. S. Barclay.....	68
Pufendorf, Samuel. Books noticed.....	789
PURCHASING. Book notices.....	435
Pym, Michael. Books noticed.....	785
Quekett, Arthur S. Books noticed....	785
Ramsdell, Charles W. Book reviews.....	466
Ray, Perley Orman. Books of, reviewed.....	1080
Reed, Louis S. Books noticed.....	235
REED, THOMAS BRACKETT. Book notices.....	215
Reed, Thomas Harrison. Progress report of the committee on policy....	437, 1060
Book reviews.....	765
Departments: Notes on municipal affairs.....	671
Rural local government.....	135, 966

RELIGION. Field, O. P., State constitutional law in 1930-31, freedom of religion	666
REPARATION SETTLEMENT. Book notices.....	494, 789
RESEARCH. Gaus, J. M., Present status of the study of public administration in the United States.....	120
Notes on.....	726
Reynolds, Beatrice. Books noticed.....	1113
Riccio, Peter M. Books noticed.....	487
Rice, Stuart Arthur, <i>ed.</i> Books of, reviewed.....	211, 1071
Richardson, James P. Book reviews.....	470
Riegel, Robert E. Books noticed.....	239
<i>Rise of American Civilization</i> , C. A. and M. R. Beard. Reviewed.....	475
Robinson, James Harvey. Books noticed.....	486
Robinson, William Alexander. Books noticed	215
Robson, William Alexander. Books of, reviewed.....	763
Rockow, Lewis. Doctrine of the sovereignty of the Constitution.....	573
ROOSEVELT, THEODORE. Book reviews <i>on</i> : Wister, Owen, <i>Roosevelt, the Story of a Friendship</i>	212
Roucek, Joseph S. Reorganization of the governmental structure of Roumania	700
Book reviews.....	751
ROUMANIA. Roucek, J. S., Reorganization of the governmental structure of Roumania	700
Roy, Naresh Chandra. Books noticed.....	784
RUBBER. Book notices.....	792
<i>Rural Organization</i> , American Country Life Conference. Book notice....	222
Russell, Frank M. Book reviews.....	201
RUSSELL, JOHN RUSSELL, 1ST EARL. Book notices.....	796
RUSSIA. Book notices.....	227, 752, 780, 784
Book reviews <i>on</i> : Breskovskaia, Katerina, <i>Hidden Springs of the Russian Revolution</i> ; Fischer Louis, <i>Why Recognize Russia?</i> ; Harper, S. N., <i>Making Bolsheviks</i>	1073
<i>See also</i> SOVIET GOVERNMENT	
Rutherford, Geddes W. Book reviews.....	468
Ryan, John Augustine. Books of, reviewed.....	765
Sait, Edward McChesney. Book reviews.....	209
Samuel, Maurice. Books noticed.....	482
Sanborn, Frederic Rockwell. Books noticed.....	1119
Sandelius, Walter. National sovereignty versus the rule of law.....	1
Saposs, David Joseph. Books of, reviewed.....	1076
Schmitt, Bernadotte Everly. Books noticed.....	229
Schulz, Ernest Bernhard. Books noticed.....	795
Schuyler, Robert Livingston. Book reviews.....	473
SEARCH, RIGHT OF. Field, O. P., State constitutional law in 1930-31, searches and seizures	668
Seligman, Edwin Robert Anderson, <i>ed.</i> Books of, reviewed.....	769

SER, D. K. Books noticed.....	777
Shambagh, Benjamin Franklin. Books of, reviewed.....	189
Shepard, Walter James. Book reviews.....	182, 1071
SHERMANS. Book notices.....	218
SHERMAN ACT. Book reviews on: Bowen, Edward, <i>Labor and the Sherman Act</i>	461
Sherrill, Charles Hitchcock. Books noticed.....	784
Sherrill, George Raymond. Books of, reviewed.....	474
Short, Lloyd M. Congressional redistricting in Missouri.....	634
Book reviews.....	464
Shoup, Carl Sumner. Books noticed.....	237
Shoup, Earl L. Book reviews.....	1080
Siegfried, André. Books noticed.....	781
Simons, Walter. Books of, reviewed.....	785
Simpson, Herbert Downs. Books noticed.....	222
<i>Sinon, or the Future of Politics</i> , E. A. Mowrer. Reviewed.....	1070
Sly, John Fairfield. Book reviews.....	184, 189
SMITH, FRANK LESLIE. Book reviews on: Wooddy, C. H., <i>Case of Frank L. Smith</i>	768
Smith, Thomas Vernon. Books of, reviewed.....	210
Smuts, Jan Christiaan. Books of, reviewed.....	204
Snyder, Clyde F. Books noticed.....	479
SOCIAL CONDITIONS. Book reviews on: Davis, Jerome, <i>Contemporary Social Movements</i>	1677
Pipkin, C. W., <i>Social Politics and Modern Democracies</i>	747
Ryat, J. A., <i>Questions of the Day</i> ; Thomas, Norman, <i>America's Way Out</i>	765
SOCIAL SCIENCE EXHIBIT, CHICAGO WOLFE'S FAIR. Notes on.....	164
Social Science Research Council. Books of, reviewed.....	1071
Notes on.....	726
SOCIAL SCIENCES. Book notices.....	494
Book reviews on: <i>Encyclopaedia of the Social Sciences</i>	769
Rice, S. A., <i>Methods in Social Science</i>	1071
<i>Statistics in Social Studies</i>	211
Smith, T. V., and White, L. D., <i>Chicago, an Experiment in Social Science Research</i> ; White, L. D., <i>New Social Science</i>	210
Notes on.....	166
SOCIALISM. Book notices.....	796
SOCIOLOGY. Book notices.....	795
SOUTH, THE. Book reviews on: Carpenter, J. T., <i>The South as a Conscious Minority</i>	466
Green, F. M., <i>Constitutional Development in the South Atlantic States, 1776-1860</i>	784
SOVEREIGNTY. Rockow, Lewis. Doctrine of the sovereignty of the Constitution.....	573
Sanclins, Walter. National sovereignty versus the rule of law.....	1
Book notices.....	233, 793

SOVIET GOVERNMENT. Book notices.....	227, 752, 779
Book reviews on: Chamberlin, W. H., <i>Soviet Planned Economic Order</i> ; Hopper, B. C., <i>Pan-Sovietism</i>	1073
Sprout, Harold H. Political geography as a political science field.....	439
STATE, THE. Cushman, R. E., Constitutional law in 1929-30, state power..	88
Field, O. P., State constitutional law in 1930-31, suits against states	670
Book notices.....	1143
Book reviews on: Chang, S. H. M., <i>Marxist Theory of the State</i>	738
Dubois-Richard, P., <i>L'Organisation Technique de l'Etat</i>	393
Willoughby, W. W., <i>Ethical Basis of the State</i>	443
STATE RIGHTS. Cushman, R. E., Constitutional law in 1928-30, state and federal relations.....	191
<i>Statistics in Social Studies</i> , S. A. Rice. Reviewed.....	211
Steffis, Lincoln. Books of, reviewed.....	735
Steiner, H. Arthur. Treaty-making power in Fascist Italy.....	146
Stene, Edwin O. Books noticed.....	484
Stephenson, Nathaniel W. Books noticed.....	215
Stewart, Frank Mann. Legislative pardon for impeachment in Texas....	305
Books noticed.....	221
Stimson, Frederic Jesup. Books of, reviewed.....	1099
Stock, Leo Francis. Books noticed.....	225
Stocking, George Ward. Books noticed.....	1119
Stoddard, Lothrop. Books noticed.....	453
Stokely, Ellis Adolph. Books noticed.....	490
Stoke, Harold W. Federal governments and international labor agreements	424
Books of, reviewed.....	760
Stowall, Ellery C. Books of, reviewed.....	1092
Stuart, Graham H. Book reviews.....	205, 1096
Books noticed.....	788
Stodensky, Paul. Books noticed.....	219
Sturzo, Luigi. Books of, reviewed.....	207
SUFFRAGE. Aylesworth, L. E., Passing of alien suffrage.....	114
Crawford, F. G., Operation of the literacy test for voters in New York.....	342
Field, O. P., State constitutional law in 1930-31, suffrage and elections	665
Sullivan, Mark. Books noticed.....	239
Swisher, Carl Brent. Books of, reviewed.....	481
SWITZERLAND. Book reviews on: Brooks, R. C., <i>Circle Training in Switzerland</i>	196
<i>Tang and Africa</i> , W. J. Dennis. Reviewed.....	731
TAFT, WILLIAM HOWARD. Book notices.....	215
TANGIER. Book notices.....	788
TARIFF. Book reviews on: Taussig, F. W., <i>Tariff History of the United States</i>	1098

Tausig, Frank Williams. Books of, reviewed.....	1028
TAXATION. Cashman, P. E., Constitutional law in 1929-30, taxation.....	74, 101
Field, O. P., State constitutional law in 1930-31, finance and taxation.....	632
Book notices.....	219, 222, 237, 485
Book reviews on: National Industrial Conference Board, <i>State and Local Taxation of Property</i>	481
Technology and political boundaries, William Beard.....	557
TEXAS. Murphy, W. C., County management proposed in Texas.....	1013
Book notices.....	221
<i>Third Degree</i> , E. H. Levine. Book noticed.....	477
Thomas, Norman. Books of, reviewed.....	705
Thompson, Edward John. Books noticed.....	775
Thompson, Walter. Notes on Northern Association of Jurists.....	1057
Thwing, Charles Franklin. Books noticed.....	476
Tilby, A. Wyatt. Books noticed.....	796
Titus, Charles H. Nomenclature in political science.....	45, 615
Topping, C. W. Books of, reviewed.....	475
Toynbee, Arnold Joseph. Books noticed.....	433
TRADE. Book notices.....	236
Book reviews on: Graham, G. S., <i>British Policy and Canada, 1774-1791</i>	796
TRAFFIC. Book notices.....	433
Train, Arthur. Books noticed.....	470
Treat, Payson Jackson. Book of, reviewed.....	204
TREATIES. Book reviews on: Habicht, Max, <i>Post-War Treaties for the Pacific Settlement of International Disputes</i>	1004
<i>Treaties and Other International Acts of the United States of America</i> . Book notice.....	1056
Treaty-making power in Fascist Italy, E. A. Steiner.....	146
Trentin, Silvio. Books of, reviewed.....	737
Turlington, Edgar. Books noticed.....	232
UNEMPLOYMENT. Book notices.....	1120
UNITED STATES, CIVIL WAR. Book notices.....	134, 789
UNITED STATES, COLONIAL PERIOD. Book notices.....	701
UNITED STATES, CONGRESS. Brown, E. S., Time of meeting of Congress.....	953
Huntington, E. V., Methods of apportionment in Congress.....	961
Macmahon, A. W., Third session of the seventy-first Congress.....	952
Book notices.....	217
See also APPORTIONMENT	
UNITED STATES, CONSTITUTION. Book notices.....	238
UNITED STATES, FOREIGN RELATIONS. Book notices.....	239, 489, 490, 494, 1102
Book reviews on: Howland, C. P., <i>Survey of American Foreign Relations, 1930</i>	201
Miller, Francis, and H. L. Hilen, <i>Heart of the Western World</i>	209

UNITED STATES, GOVERNMENT AND POLITICS. Holcombe, A. N., <i>Trench Warfare</i>	914
Book notices	782
Book reviews on: Beard, C. A. and William <i>American Leviathan</i> ..	458
Frankfurter, Felix, <i>Public and the Government</i>	447
Luce, Robert, <i>Legislative Principles</i>	450
Myers, W. E., <i>American Government of Today</i>	767
<i>See also</i> GOVERNMENT PUBLICATIONS	
UNITED STATES, HISTORY. Book notices	217, 230, 775, 789, 1102
UNITED STATES, SUPREME COURT. Cushman, R. E., <i>Constitutional law in 1920-30</i>	73
UNIVERSITY OF CHICAGO. Notes on	164
UNIVERSITY TRAINING FOR NATIONAL SERVICE, MINNESOTA. Notes on	1058
Upton, Lent D. Book reviews	456
Van Tyne, Claude Halstead. Books noticed	217
Vernadsky, George. Books of, reviewed	1078
Vincent, John Martin. Book reviews	197
VIRGINIA. Pate, J. E., <i>State supervision of local fiscal officers in Virginia</i> ..	1004
VOTERS. <i>See</i> ELECTIONS; SUFFRAGE	
Wadsworth, Alfred P. Books noticed	1121
Wager, Paul Woodford. <i>State centralization in North Carolina</i>	906
Wagner, Donald Owen. Books noticed	238
Walker, Eric A. Book reviews	205
Walker, Harvey. <i>Governors' messages, 1931</i>	346
Walker, Mabel Louise. Books of, reviewed	450
Wambaugh, Sarah. Book reviews	761
WAR. Book notices	789
Book reviews on: Sturzo, Luigi, <i>International Community and the Right of War</i>	207
Warburg, Paul Moritz. Books of, reviewed	192
Warner, Kenneth O. Book reviews	199
Watkins, Gordon S. Books noticed	239
WEBSTER, DANIEL. Book reviews on: Fuess, C. M. <i>Daniel Webster</i>	470
Wells, Rogers H. Book reviews	450
Wells, Wells, <i>pseud.</i> Books noticed	478
West, Charles H. Books noticed	490
Wheeler-Bennett, John W. Books noticed	439, 494, 789
WHITE, HENRY. Book notices	490
White, Leonard Dupree. Book reviews	193, 1083
Books of, reviewed	210, 452
Departments: Notes on administration	120
White, William Chapman. Books noticed	780
Whitlock, Brand. Books noticed	1120
Whittlesey, Charles E. Books noticed	792
Wieser, Friedrich. Books noticed	232

Williams, Mary Wilhelmine. Books of, reviewed.....	265
Willoughby, Westel Woodbury. Books noticed	1097
Books of, reviewed	443
Wilson, George Grafton. Book reviews	491, 493, 786, 1092
WILSON, JAMES. Book notices	214
WILSON, WOODBROW. Book notices	478
Wingfield-Stratford, Esme. Books noticed	226
Winslow, Clinton Ivan. Books of, reviewed	1085
Winsten, Sanford. Books noticed	1116
WISCONSIN EXECUTIVE COUNCIL. Notes on	1055
Wisner, Elizabeth. Books noticed	221
Wister, Owen. Books of, reviewed	212
WOMEN. Book reviews on: Breckinridge, S. P., <i>Marriage and the Civic Rights of Women</i>	758
Wood, Charles Erskine. Books noticed	796
Wooddy, Carroll Hill. Books of, reviewed	738
Woodward, Julian L. Books noticed	237
WORLD COURT. Book notices	232
WORLD WAR. Book notices	229
<i>See also REPARATION SETTLEMENT</i>	
Wright, Benjamin Fletcher, Jr. Book reviews	214, 496, 754
Wright, Quincy, ed. Books noticed	489
Wuorinen, John H. Books noticed	1105
Yntema, Hessel E. Book reviews	746
Zane, John Maxcy. Books of, reviewed	749
Zeydel, Edwin H. Books noticed	1111
Zink, Harold. Books of, reviewed	454